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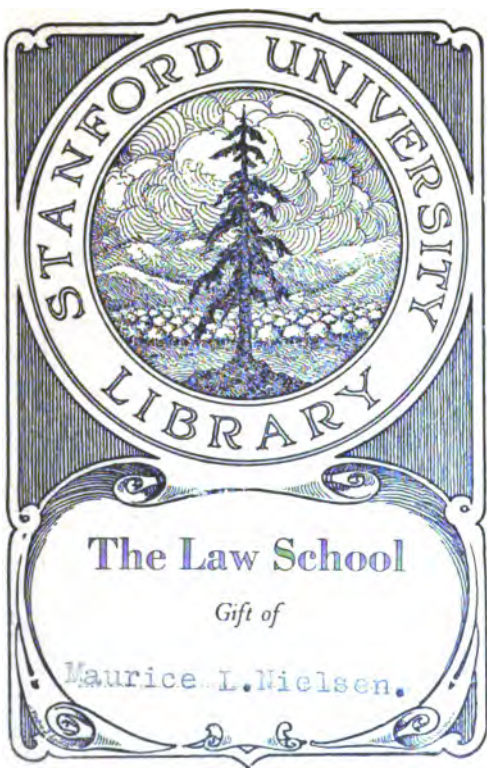
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LOCAL ACTS.

An Act to authorize the Trustees of the village of Waukesha to raise money **Chap. 1.**
by tax.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Trustees of the village of Waukesha, ^{Trustees to levy tax.} are hereby authorized to raise by tax upon the taxable property of said village, assessed, valued and prescribed in the assessment Roll made out in August last, by the Assessors of said village, and equalized and completed by the Trustees pursuant to the Act incorporating said village. Such sum as may be necessary to pay the debts of said Corporation, not exceeding four mills on the dollar of the valuation of said assessment Roll, and all the tax lists made out from said assessment Roll, for the building of side-walks in said village, and the return of the same by the street Commissioner pursuant to said Act are hereby declared to be legal and valid; and the Trustees are hereby authorized to enter the unpaid taxes so returned, on the aforesaid assessment-roll as required by Sec. thirty-seven, of the Act incorporating said village.

Sec. 2. In case the tax on any lot or other parcel of ^{Increase of unpaid taxes.} land on the aforesaid assessment Roll shall remain unpaid on the first day of April, 1853, it shall be the duty of the Treasurer of said village to proceed to advertize and sell the same in the manner prescribed in the Act incorporating said village of Waukesha.

Sec. 3. This Act shall take effect and be in force from and after its passage.

Approved, February 1, 1853.

- Chap. 2.** An Act to extend the time for completing a Bridge across Platte River in Grant county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The time granted by an Act entitled "an act to provide for the construction of a toll-bridge across Platte River." Approved, Jan. 29, 1852, for the construction of the Bridge therein authorized to be built, is hereby extended until the first day of January, A. D., 1854.

Approved, February 1, 1853.

- Chap. 3.** An Act to amend an Act entitled "an Act to incorporate the Sheboygan and Mississippi Railroad Company. Approved, March 8, 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Additional commissioners SECTION 1. Joseph F. Kirkland and Harrison C. Hobart, are hereby appointed additional Commissioners, with the same powers and subject to the same liabilities as the Commissioners specified in the first section of the Act to which this Act is amendatory.

Sec. 2. This Act shall take effect from and after its passage.

Approved, February 1, 1853.

- Chap. 4.** An Act to amend Section sixteen, of an Act to incorporate the Port Washington and Newburg Plank and Turnpike Company; approved, April 19, 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

When a road shall be completed. SECTION 1. Section (16) sixteen, of an Act entitled an Act to incorporate the Port Washington and Newburg Plank and Turnpike Road Company, approved, April 19, 1852, is hereby so amended as to require said Road to be completed from Port Washington to the village of Saukville, within three years from the publication of said Act, and from Saukville to Newburg, within five years from the publication of said act.

Approved, Februar y 1853.

An Act to vacate a part of Water and Fifteenth Streets in the village and Chap. 5.
county of Manitowoc, Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That that portion of Water street, in the The portion
village and county of Manitowoc, Wisconsin, lying and vacated.
being between the north line of Sec. No. thirty (30), in
township No. nineteen (19), north of Range No. twenty-
four (24), east, and a line drawn from the south-west corner
of lot No. seven (7), in block No. one hundred and forty-
seven (147), to the north-east angle or corner of block No.
one hundred and forty-five (145); also, that part of
Fifteenth (15) street, from the south side of Water street
aforesaid, to the Manitowoc River, be, and the same
is hereby vacated.

Sec. 2. This Act shall take effect immediately.

Approved, February 1, 1853.

An Act to amend an Act entitled "an act to incorporate the village of Wau- Chap. 6.
kesha, in the county of Waukesha." Approved April 16th, 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The fourth Section of the Act incorporating Sec. four how
the village of Waukesha, is hereby amended by striking amended.
out the word "Ward" wherever it occurs in said Section,
and inserting the word "Village" in lieu thereof.

Sec. 2. Section sixteen of said Act is hereby amended Vacancies how
so as to read as follows: Any vacancy in the office of filled.
President, Trustee, Marshall, Treasurer or Assessor, may
be filled by the President and Trustees by appointment,
at any regular meeting of said Trustees.

Sec. 3. The thirty-fourth Section of said Act is hereby Trustees to
amended so as to read as follows: Whenever the Trustees levy tax for
shall order side walks to be built or repaired upon any sidewalks.
street or highway in said village, they shall levy and cause
to be collected such sum, as they may estimate, to be
necessary for that purpose, by tax upon all the real estate
or lots fronting or bounding on such street where a side
walk is ordered to be built or repaired, in equal propor-
tion per foot of the front or width of such lots, and in case
any such tax shall prove insufficient to pay the expense of
building or repairing any such side walk, the Trustees shall
have power to levy and collect any such deficiency in the
same manner as the original tax was levied and collected.

What part of town tax to be expended in the village.

Powers of Street Commissioner.

Duties of the Marshall.

Sec. 4. One-third of all the highway tax levied by the Supervisors of the town of Waukesha, within said village, shall be expended upon the streets, alleys and highways within the limits of said village, by the street Commissioners thereof, under the direction of the Trustees; and the Supervisors shall make out and deliver to the said street Commissioner, a warrant for one-third of such highway tax, in the same manner as they are required by law to overseeers of highways; and the said street Commissioner shall possess all the powers and be subject to all the liabilities and duties that overseeers of highways in towns are, so far as the collecting and expending the same, and making returns therefor.

Sec. 5. Section forty-two is hereby amended so as to read as follows: Upon the receipt of the tax list aforesaid, it shall be the duty of the Marshall to proceed to collect the taxes therein mentioned, and for that purpose shall call at least once on the person taxed, or at his residence, and shall demand payment of the taxes charged to him on such list, and in case any person shall refuse or neglect to pay the tax imposed on him, the Marshall shall levy the same by distress and sale of the goods and chattels of such person, wherever the same may be found in the town of Waukesha, by giving six days notice of the time and place of such sale, by written notices set up in three public places in said village.

Sec. 6. Section forty-three of the Act hereby amended, and all acts or parts of acts inconsistent with this act, are hereby repealed.

Approved, February 4, 1853.

Chap. 7.

An Act to amend an Act entitled "An Act to incorporate the Neenah and Manitowoc Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name of Company.

SECTION 1. The name and style of said Company is hereby changed from "The Neenah, Manitowoc and Stevens' Point Plank Road Company," to "Menasha and Manitowoc Plank Road Company," and the name and style of said Company shall be known in law as the "Menasha and Manitowoc Plank Road Company."

Sec. 2. The said Company is hereby authorized, under the provisions of their Charter, to extend their Road from the village of Menasha, through the village of Plover, to some eligible point on the Wisconsin River, at or near

Stevens' Point on said stream; and also a branch road to the village of Omro, as authorized by the Board of Supervisors of the county of Winnebago.

Company may build road and extend branch road.

Sec. 3. The said Company is authorized to construct their road and branches, or any part thereof, of gravel instead of plank, or charcoal, if they shall deem it advisable; and when any three consecutive miles of said road or its branch or branches shall be completed, the said Company may erect toll-gates and exact toll from persons traveling on the same, at the rates provided in the Act to which this is amendatory.

Road how constructed.

Toll gates.

Sec. 4. Whenever the road of said Company shall cross any navigable stream, it shall be constructed with a suitable draw over the channel of such stream, not less than fifty feet wide, so as not to obstruct the navigation of such stream; and the said Company shall at all times provide the necessary attendance, so as to open said draw for the convenience of persons navigating such stream.

To construct draws when road crosses navigable streams.

Sec. 5. This Act shall take effect from and after the time the same shall be assented to by the said Company.

Approved, February 4, 1853.

An act to change the name of Lewis Frederick Dengle to Lewis Frederick Schneider.

Chap. 8.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Lewis Frederick Dengel, of the town of Herman, in the county of Sheboygan, is hereby changed to that of Lewis Frederick Schneider, and by the last mentioned name he shall be hereafter known and recognized.

Sec. 2. The said Lewis Frederick Schneider shall be known as the adopted son and heir of David F. Schneider and his wife Catherine Schneider, of the said town of Herman, and entitled to all the rights and privileges, and subject to all the duties of inheritance, support and maintenance as fully and effectually, and in the same manner as he might or should do if he were the legitimate child of the said David F. Schneider and Catherine Schneider.

Rights and privileges of said Schneider.

Sec. 3. This Act shall not take effect or be in force until the said David F. Schneider shall assert thereto in writing, under his hand and seal, and record the same in the office of Register of Deeds, in and for the county of Sheboygan.

When to take effect.

Approved, February 7, 1853.

An act to amend Sec. fifteen, of an act entitled an act to incorporate the Sheboygan and Mayville Plank Road Company; approved, Feb. 9, 1850.

Chap. 9.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Condition of the charter.

SECTION 1. Section fifteen, of an Act entitled an Act to incorporate the Sheboygan and Mayville Plank Road Company; approved, Feb. 9, 1850, is hereby amended so as to read as follows: If said Corporation shall not within six years from the passage of this Act, commence the construction of said Plank Road, and expend three thousand dollars or more thereon, and shall not within ten years from the passage of this Act, construct, finish, and put in operation a single or double track of plank road, from Sheboygan or Sheboygan Falls to the village of Mayville, then the rights, privileges and powers of the said Corporation, under this Act shall be null and void.

Sec. 2. This Act shall take effect from and after its passage.

Approved, February 7, 1853.

Chap. 10.

An Act to incorporate the Menomonee Locomotive Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name and corporate powers,

SECTION 1. That all such persons as shall become Stock holders to the capital stock hereinafter mentioned, their successors and assigns shall be and are hereby constituted and made a body politic and corporate, by the name and stile of the "Menomonee Locomotive Manufacturing Company," and by that name shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all Courts, and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; may have a common seal, and alter the same at pleasure, and by the same name shall be capable of purchasing, holding, and conveying, any estate, real or personal property, for the use and benefit of said corporation.

Capital stock,

Sec. 2. The capital stock of said Company shall not exceed "one hundred and fifty thousand dollars," and shall be divided into shares of one hundred dollars each, and shall be deemed to be personal property, and may be transferred in such manner as the By-Laws of the Company direct.

Sec. 3. Said corporation shall have power to manufac-

facture Locomotive Engines, for Railroads, and such other Engines, Machinery, Iron, Brass, and Copper implements and wares, as they may deem proper, and to sell, and dispose of the same at pleasure; may erect buildings and machinery for such manufacturing purposes to be moved by steam or other power, on any lands in the city of Milwaukee, which are now or may hereafter be owned by said Company; may in their corporate capacity and name, make and execute to any person or persons, or body corporate or politic, any and all writings, notes, bonds, mortgages, on real or personal property belonging to said Company in the due prosecution of their business, or as security for the loan of money, borrowed by or due from said Company to any person or persons, or body corporate, all of which said Company is authorized to do. But this section shall not be so construed as to confer Banking powers upon said corporation.

Privileges of company.

How construed.

Sec. 4. The property and affairs of said Company shall be managed and conducted by a Board of not less than three nor more than nine directors, who shall be elected annually, and who shall respectively be Stockholders in said corporation, and who shall be elected as aforesaid, by the Stockholders at such time and place as shall be directed by the By-Laws of the corporation, each share of stock being entitled to one vote, and may be cast by the holder thereof, or by proxy, duly authorized; all such elections shall be by ballot, and the persons receiving the majority of votes cast, shall be Directors; and when any vacancy shall happen from any cause, it shall be filled for the remainder of the year in such manner as shall be provided for by the By-Laws of the said corporation; the number of Directors, and how many shall constitute a quorum for the transaction of business, shall be determined by said By-Laws.

Board of Directors, how elected.

Vacancies how filled.

Sec. 5. The said Directors shall annually, after their election, elect one of their number President, whose duty it shall be to preside at the meetings of the Board, and in case of his absence at any meeting, the Directors present may elect a President *pro tem*. The Directors shall have power to make and prescribe such By-Laws, Rules and Regulations, respecting the management of the property, concerns, business, and stock of said corporation, as they may deem expedient and proper, not inconsistent with the laws of this State; all meetings for the transaction of business for the corporation shall be held at their office, which shall be located in the city of Milwaukee, and the manner

Directors to elect President.

Their further powers.

and times of calling meetings shall be prescribed in the By-Laws of said Company. The Directors shall have power to appoint a Treasurer and Secretary, and such other officers as may be required by the business of said Company, and may remove the same at pleasure, and fix the compensation, and define the duties of all officers. They shall have power to decide the time, manner and proportions in which the Stockholders shall pay the money due, or an equivalent therefor, on their respective shares. To forfeit to the use of the Company the share or shares of every person or persons failing to pay any instalment so required at a reasonable period, not less than thirty days after the time appointed for the payment thereof. They shall also have power to appoint a time certain, each year, for the election of Directors, but such election shall always be held at the office of said Company, upon due notice to the Stockholders, of not less than thirty days before such election; *provided*, that if for any cause such election shall not be held at the time appointed, the same may be held at any time upon a like notice being given to the Stockholders; and the Directors of the preceeding year, shall in all cases continue to act until the election of their successors in office.

Proviso.

Subscriptions
to be received.

Sec. 6. Books for subscriptions to the capital stock of said Company shall be opened at the office of the Menomonee Foundry in said city of Milwaukee, on the first Monday of March next, under the inspection of William B. Walton, Lewis L. Lee and David M. Wisnor, and a majority of whom may keep said Books open from day to day until at least fifty thousand dollars of said stock be subscribed for, when the said Walton, Lee and Wisnor, may deliver to such subscribers, said Book; and the said subscribers shall then proceed to elect the Board of Directors as herein before provided for, and such Directors when so elected, shall, at their first meeting, determine the amount of capital of said corporation, which shall in no case exceed one hundred and fifty thousand dollars, and if such capital shall be fixed at any sum less than the last named amount, the same may at any time thereafter be increased by a two-third vote of the said Directors at a regular meeting thereof, to any amount not in whole, however, exceeding the said sum of one hundred and fifty thousand dollars.

Sec. 7. This Act shall take effect and be in force from and after its passage.

Approved February 10, 1853.

An act to authorize the city of Racine to aid in the construction of certain Railroads.

Chap. 11.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The City Council of the city of Racine, are hereby authorized to borrow upon the credit of said city, three hundred and fifty thousand dollars, or less, for twenty years, in such sums as they may deem proper on interest not exceeding seven per cent., payable annually in the city of New York for the purpose of investing three hundred thousand dollars of the same in the capital stock of a Railroad Company, authorized to construct a Railroad from the city of Racine, westwardly towards the the Mississippi River; and fifty thousand dollars of the same in the capital stock of a Railroad Company, authorized to construct a Railroad on the shore of Lake Michigan, through the city of Racine to the State line, to connect with a Railroad to Chicago; and in case the said money or any part thereof shall not be so borrowed, to subscribe for so many shares of said capital stock in said Railroad Companies in the proportion above named, that the amount of the same, at their par value, together with the money so borrowed, shall not exceed three hundred and fifty thousand dollars, and to pay for the same in the bonds of the said city, payable as above stated, and in lieu of investing the said several sums, or any part thereof, in the capital stock of said Companies, or either of them, the City Council may be authorized to loan the credit of the said city to the said Companies, or to either of them in the proportion above named, and not to an amount exceeding the sum of three hundred and fifty thousand dollars, and to take the convertible bonds of the said Companies, or either of them, to secure the said city, and such other security as shall be agreed upon and approved by the said City Council.

City Council to borrow money.

Upon what roads to be expended.

Sec. 2. The shares of stock in said Railroad Companies, or bonds of said Companies thus taken by said city, and all dividend and interest arising from the same, are hereby pledged for the payment of the interest and principal of said city bonds.

Stock and bonds of companies pledged.

Provided, however, that the City Council may sell such shares of stock, or such bonds of said Companies, but the proceeds thereof, and interest shall still be pledged to pay the interest and principal of said city bonds.

Sec. 3. The said City Council shall annually levy a

Tax to be levied to pay interest.

tax upon the taxable property of said city, sufficient to pay the interest of such bonds, after deducting the dividends due to said city on said shares of stock, or the interest on said bonds of said Companies, so received by said city thereon.

A Railroad Commissioner to be chosen.

Sec. 4. The legal voters of said city, at each annual city election, shall choose one Railroad Commissioner, who shall attend the annual meeting of the stockholders of said Corporations for the election of Directors thereof and shall be entitled to cast one vote for every share of stock, which said city shall hold in said Companies respectively.

Sec. 5. This Act shall take effect immediately.

Approved, February 10, 1853.

An Act to authorize the town of Beloit to aid in the construction of a certain Railroad from the city of Racine to the village of Beloit.

Chap. 12.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Stock to be subscribed.

SECTION 1. The Board of Supervisors of the town of Beloit, are hereby authorized to subscribe for the town of Beloit, one hundred thousand dollars to the capital stock of a Railroad Company authorized to construct a Railroad from the city of Racine to the village of Beloit, and to pay for the same in the bonds of said town, payable in twenty years, with interest payable annually, in the city of New York, not exceeding seven per cent.

Stock pledged.

Sec. 2. The shares of stock in said Railroad Company thus taken by said town, and all dividends arising from the same, are hereby irrevocably pledged for the payment of the interest and principal of said bonds. Provided, however, that the Board of Supervisors of said town may sell such shares, but the proceeds thereof, and interest shall still be pledged to pay the interest and principal of said bonds.

Proviso.

Tax to be levied.

Sec. 3. The Board of Supervisors of the town of Beloit, whenever the same shall become necessary, shall annually levy a tax upon the taxable property of said town, sufficient to pay the interest upon such bonds, after deducting the dividends due to such town on said shares of stock.

Railroad Commissioner.

Sec. 4. The Board of Supervisors of said town, shall annually appoint one Railroad Commissioner, who shall attend the annual or special meetings of the stockholders of said Railroad Company for the election of Directors

thereof, and shall be entitled to cast one vote for every share of stock which said town shall hold in said Railroad Company, and in case of his absence or inability to attend, to appoint in writing under their hands some other person who shall have the same power.

Sec. 5. No Bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said town, voting upon said question, shall vote in favor of the same at an election called by the said Board of Supervisors for that purpose, to be held in the village of Beloit. At such election those voting in favor shall vote a ballot with the words inscribed thereon, "For the Railroad," and those voting against shall vote a ballot with the words inscribed thereon, "Against the Railroad."

Condition of
issuing bonds.

One week previous notice of said election shall be given in a public newspaper printed in the village of Beloit, and this Act shall be published in connection therewith. Said election shall be conducted, and the returns thereof made and canvassed in the same manner as the annual town meetings of the [said town].

Sec. 6. This Act shall take effect immediately.

Approved, February 10, 1853.

An Act to authorize H. S. Allen to keep and maintain a Ferry across the Chippewa river, at Chippewa Falls, in Chippewa county.

&chap. 13.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. H. S. Allen, his heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the term of ten years, of keeping and maintaining a Ferry across the Chippewa river, at the village of Chippewa Falls in Chippewa county, which privilege shall extend one mile down the river from the present Saw Mill at said village of Chippewa Falls.

Grant of sole
right to main-
tain a ferry.

Sec. 2. The Ferry shall be subject to such regulations as other Ferries are or may be by law subject, and the proprietors thereof shall be entitled to receive for crossing any vehicle drawn by two Horses or one yoke of Oxen, forty cents; for each additional Horse or Ox, ten cents; for a man and Horse, twenty-five cents; for Cattle and Horses in droves, eight cents each; provided that Hogs and Sheep shall not be charged more than five cents per head, and for foot passengers ten cents each.

Regulations
and rates of
toll.

Sec. 3. No Ferry shall be licensed within one mile of the point where the Ferry above provided shall be established.

Approved February 10, 1953.

Chap. 14.

An Act authorizing the County of Brown to issue Bonds for the purpose therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Amount of issue.

SECTION 1. The Board of County Supervisors of Brown County shall have power to issue bonds in the name of the County to an amount not exceeding six thousand dollars ; said bonds to draw interest at a rate not exceeding ten *per centum per annum*, and to run for a period not exceeding five years.

Regulations.

Sec. 2. The bonds aforesaid shall be signed by the Chairman of the County Board of Supervisors, be countersigned by the Clerk and sealed with the seal of the Board ; and shall be issued in sums of not less than one hundred dollars each.

Tax to pay interest on bond.

Sec. 3. The County Board of Superivisors at its annual sessions shall cause a tax not exceeding one per cent., to be levied on the taxable property of the County, in each year, while any of the bonds issued in pursuance hereof remain outstanding, which tax shall be collected in specie, and shall be applied only to the payment of interest accruing on said bonds, and to their liquidation.

Sec. 4. Said County bonds shall be issued only for the liquidation of the County orders outstanding, within the limit above named, and for no other purpose.

Sec. 5. This Act shall take effect from and after its passage.

Approved February 10, 1853.

Chap. 15.

An Act to repeal an Act establishing the town of Kossuth ; approved, April 17, 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the Act detaching township sixteen, north of Range 19, east from the town of Calumet and Forest, and constituting thereof a separate town by the name of Kossuth ; approved, April 17, 1852, be and the same is hereby repealed.

Approved, February 10, 1853. Digitized by Google

An Act to amend an Act entitled an Act to incorporate the Winnebago Lake and Fox River Road Company.

Chap. 16.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The ninth line, of Sec. one, of the Act, to which this Act is amendatory ; approved, March 13, 1848, is hereby amended so as to read as follows : " Fox River Plank Road Company, and by that name they and their ;" and the body corporate created by such Act, shall hereafter be known by the name of "The President and Directors of the Winnebago Lake and Fox River Plank Road Company."

Change of name.

Sec. 2. Section five, of the said Act, is hereby amended so as to confer upon the said Directors therein referred to, or a majority of them, the additional right and power to fill any vacancy or vacancies that may at any time occur in the Board of said Directors.

Power of Directors to fill vacancies.

Approved, February 10, 1853.

An Act to incorporate the Hubbardton Manufacturing Company.

Chap. 17.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Hiram Barber, Peter Winters, T. B. Sterling, S. E. Seffuts, and John Niles, their associates and successors, are hereby constituted a body corporate and politic, by the name and style of the Hubbardton Manufacturing Company, and by that name may sue and be sued, plead and be impleaded, and answer and be answered unto, in all Courts of law and equity ; may have a common seal, and the same may alter at pleasure ; and may enjoy all the privileges incident to corporations for the purpose of making and manufacturing Iron in the county of Dodge, for thirty years.

Name and powers of corporation.

Sec. 2. The Capital Stock of said Company shall consist of five thousand shares of one hundred dollars each ; and the persons named in the first section of this Act or a majority of them, may at such times and places as they may direct, open books of subscription to the capital stock of said Company, and as soon as fifty shares of the stock are taken, and five dollars on a share paid in, they may call a meeting of the Stockholders for the purpose of electing officers.

Stock and capital, and when officers may be elected.

Sec. 3. The business of the Company shall be conducted by a Board of Directors and such other officers or

Business of company, how conducted. agents as shall be created in pursuance of the By-Laws of said Company.

Company may make by-laws. Sec. 4. Said Company may have power to make or alter such By-Laws, Rules and Regulations, for the management, regulation, control and disposition of the stock and property and business of the Company as they may deem expedient and proper, not inconsistent with the Laws and Constitution of the United States, or of this State.

Further powers. Sec. 5. The said Company shall have power to purchase, hold and convey real estate to an amount sufficient to carry out the purposes of their incorporation; but the stock of the Company shall be deemed personal estate, and as such shall be liable for the debts of the Company, and may be transferable in such manner as shall be prescribed in the By-Laws of the Company.

Stockholders liable. Sec. 6. The Stockholders shall be individually liable for debts contracted by said Company.

Approved, February 10, 1853.

Chap. 18.

An Act to incorporate Symphony College.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators. SECTION 1. That Loyd L. Lewis, Lorenzo L. Lewis, Albert D. LaDue, John C. Sherwin, Samuel T. Smith, Wm. Hood, Wm. Card, Samuel D. Hastings, David McConnell, Anson Ferris, Francis M. Rublee, Edwin Flint, Sylvester S. Stebbins and George Farnam, and their successors, shall be, and they are hereby created a body politic and corporate, to be styled, "The Board of Trustees of Symphony College, to remain in perpetual succession."

Design and purpose of corporation. The design and purpose of the said Corporation being, and the same is hereby declared to be, to found, establish and maintain, in the Lewis settlement on Flemons Creek, in the county of La Crosse, an Institution of learning of the highest order, including the various branches with their grades; also a preparatory department.

Officers. Sec. 2. There shall be fifteen Trustees of said Corporation, including a President, a Vice President, Secretary, Treasurer, Librarian, and such other officers as shall be deemed advisable; all of said officers, shall be chosen from the number of Trustees annually; and when a Collegiate Faculty shall have been duly chosen and organized

as hereinafter provided, the President, or in his absence, the Vice President shall be the President of the Board, and on all occasions of an equal division the President shall have the casting vote.

Sec. 3. The Board shall hold its first meeting at the school-house in district No. three (3), in the town of La Crosse, and county of La Crosse, on or before the first day of June, A. D., 1853, and a majority of its members shall in all cases constitute a quorum for the transaction of business.

First meeting of the Board.

Sec. 4. At the first meeting the Trustees shall choose by ballot from among their number a President, Vice President, Secretary, Treasurer, Librarian and all other officers of the Corporation, who shall hold their respective offices for one year, and until others are elected.

To choose officers by ballot.

Sec. 5. The Trustees shall be divided by lot into three classes of five members each. They shall then appoint an annual meeting, at which time the office of the first class shall expire, and the office of each class shall expire annually thereafter in rotation forever.

When office of trustees shall expire.

Sec. 6. The buildings of this Institution shall be located on Section nineteen (19), in township Number eighteen (18), north of range six (6), west of the fourth principal meridian, in the town of La Crosse and county of La Crosse, said site to be determined by the Board of Trustees.

Location of buildings.

Sec. 7. No religious test or qualification shall be required of any Trustee or officer of said Corporation, nor of any student of said Institution.

Sec. 8. The Board of Trustees shall have full power in their corporate name, to sue and be sued, to plead and be impleaded, to contract and be contracted with, defend and be defended, in all courts of Law and Equity, to have a common seal, which they may alter at pleasure, to acquire, use, hold and convey such real and personal property as may be necessary to accomplish the objects specified in the first Section of this Act, to negotiate loans on mortgages with the consent of a majority of the stockholders voting at any duly called meeting thereof, and transact all other business for the interest and advancement of the Institution, to see that all donations and bequests made to the Institution, are properly applied in conformity to the conditions on which the same was made, to make all necessary by-laws for the due ordering of the affairs and government of the College, to fill all vacancies in their own body, from whatever cause occurring, to remove members of their own body for long continued

No religious test required of trustees.

Powers of the board of trustees.

neglect of duty, to confer such degrees and other honors upon those whom they may deem qualified and worthy to receive the same, as are usually conferred by the colleges of the United States, to elect a President who shall be the Chief Executive Office of the Institution, and head of the College Faculty, to elect such Professors, Tutors, Teachers and other officers as in their opinion the interests of the Institution may demand, to define the duties of the officers thus elected, and on sufficient cause to remove them from office, to determine the amount of all salaries to be paid to different officers by the Institution, for services rendered or to be rendered, to regulate the course of instruction, and prescribe the books, authorities and apparatus to be used in the various departments, and to have such further general powers not herein specified, and not inconsistent with the letter or spirit of this Act, as are granted to Corporations under the name of General Provisions in Chap. fifty-four, of the Revised Statutes of this State.

Provisions for amendment.

Sec. 9. This Act may at any time be altered or amended by the Legislature.

Sec. 10. This Act shall take effect, and be in full force, from and after its passage.

Approved, February 11, 1853.

An Act to change the time of making Assessments and Collections of Taxes in the Counties of Marathon and Portage.

Chap. 19.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for making the Assessments upon property in the Counties of Marathon and Portage is hereby changed from the time now fixed by Law, to the month of February in each year.

When and where assessor shall review his assessment.

Sec. 2. The Assessors shall complete the Assessment Rolls of their respective towns, on or before the first Monday in March in every year; on which day, at nine o'clock in the forenoon, each Assessor shall appear at the place where the last town meeting was held in his town, for the purpose of reviewing his assessment; and may continue such review from day to day as long as may be necessary for that purpose; and on the request of any person conceiving himself aggrieved, if such person shall not previously have made affidavit concerning the value of the property assessed to him, pursuant to Chapter 15, of the Revised Statutes of this State, the Assessor shall, on affidavit

made as provided in said Chapter, reduce the assessment of such person to the sum specified in such affidavit.

Sec. 3. If from any cause any Assessor cannot attend When assessor cannot attend as above. at the time and place appointed as above, he may review the same on any other day prior to the second Monday in March in the same year, upon first giving at least three days notice thereof, by posting up notices in three of the most public places in his town, giving notice of the time and place of such review.

Sec. 4. When the Assessor shall have reviewed and When the roll is completed. completed his Assessment Roll, he shall comply with the provisions of Section 33, Chapter 15, of the Revised Statutes.

Sec. 5. The Roll thus certified, shall, on or before the Delivery of roll. third Monday in March in each year, be delivered by the Assessor of each town to the Chairman of the Board of Supervisors thereof.

Sec. 6. The Board of Supervisors of said Counties, When Board Supervisors shall examine rolls. shall meet on the last Monday in March in each year, and examine the Assessment Rolls of the several towns in said Counties and ascertain whether the valuation of real estate in each town bears a just relation or proportion to the valuation in all the towns in the Counties.

Sec. 7. After the Town Clerk shall have received the Duties of Town Clerk. corrected Assessment Roll of his town, he shall make a fair copy thereof, and deliver the same to the Town Treasurer of his town on or before the second Monday of April in each year, but in no case shall the said Assessment Roll be delivered to a Town Treasurer until he shall have executed the bond and delivered the receipt required in the forty-eighth and forty-ninth Sections of Chapter fifteen, of the Revised Statutes; and the warrant annexed to each Assessment Roll shall be in accordance with Section fifty-two, of Chapter fifteen, aforesaid, except that such Town Treasurer shall be commanded to pay to the County Treasurer the State Tax on or before the last Monday in May in each year, and return said warrant on or before said day to the County Treasurer.

Sec. 8. In case the Town Treasurer shall neglect or refuse to file his bond with the County Treasurer on or before the second Monday in April in each year, the Town Clerk shall deliver to the Sheriff of the County the original warrant and tax list, if the same can be obtained, and if not, then the same shall be made out anew, and delivered to the said Sheriff, who shall in all respects conform to Chap- When Clerk shall deliver original warrant and bond to Sheriff.

ter fifteen of the Revised Statutes, in the giving of bonds and collecting the tax and returning the warrant.

When lands to be sold.

Sec. 9. All lands returned to the County Treasurer as provided by law, upon which the taxes, interest and charges shall not be paid by the second Monday of May in each year, shall be subject to sale according to the provisions of Chapter fifteen of the Revised Statutes, except as hereinafter provided. The County Treasurer of said Counties shall, immediately after the said 2d Monday in May, make out a statement of all such lands, containing a brief description thereof, with an accompanying notice stating that so much of each parcel or tract of land described in such statement, as may be necessary for that purpose, will, on the succeeding third Tuesday in July next thereafter, and the succeeding days, be sold at Public Auction at some public place, naming the same at the seat of Justice of the County that he may elect, for the payment of the taxes, interest and charges thereon. The said notice shall be published once in each week for four successive weeks prior to the said third Tuesday in July; *Provided*, that in case any County Treasurer in said Counties shall unavoidably omit or fail to sell the lands returned for delinquent taxes at the time fixed in this Section, he shall advertise and sell said lands on the second Tuesday in September thereafter, and such advertisement and sale shall conform in all respects to the provisions of this law, and shall be as valid as though made on the third Tuesday of July.

Duties of County Treasurer.

Proviso.

Further regulations.

Sec. 10. All of the provisions of Chapter fifteen of the Revised Statutes of this State, shall apply to collection and return of taxes, and the sale of lands for unpaid taxes and the redemption thereof, in said Counties of Portage and Marathon; except when the provisions of said Chapter conflict with this Act.

When taxable property is removed out of town or county.

Sec. 11. If any taxable property in said Counties shall be removed from one Town or County to another, said property having been assessed and taxes paid thereon during the year said property shall have been removed, it shall not be lawful to assess and tax again the same property in the same year; and for the purposes of evidence as to the payment of said tax, the receipt of the Town or County Treasurer or Sheriff of the proper County, or any other credible testimony, shall be evidence of said payment.

Sec. 12. This Act shall take effect and be in force from and after its passage.

Approved, February 11, 1853.

An Act to incorporate the Watertown and Berlin Railroad Company. Chsp. 20.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Ezra Wheeler, Thomas McLelland, George Atkins, D. E. Lewis, A. W. Hackley, Wm. C. Sherwood, George W. Annis, Benjamin B. Spaulding, Sherloc Millard, William Bayley, J. W. Carhart, John Parker, A. Nichols, M. S. White, Stoddard Judd, William E. Smith, Minor Porter, L. Rose, Morris R. Stickney, William H. Green, Nelson Van Kirk, Clark Lawton, John Lowth, Simeon Ford, Patrick Rogan, Myron B. Williams, Wm. Chappell, Wm. M. Dennis, Thomas McMahon, John Dougherty, Michael Ames, John Marterson, Herman Grube, John D. Griffin, Richard Hagerty, Leonard Mertz, Patrick Kelley, George G. King, James Coely, E. L. Northrop and G. N. Lyman, be, and they are hereby appointed Commissioners under the direction of any five of whom appointed by a majority of the aforesaid Commissioners, subscriptions may be received to the capital stock of the Watertown and Berlin Railroad Company hereby incorporated, and they may cause books to be opened at such times and places, and in such manner as they may direct for the purpose of receiving subscriptions to the capital stock of said Company, first giving thirty days notice of the times and places of receiving such subscriptions by publishing the same weekly, in some one of the newspapers printed in the county of Marquette, Dodge and Jefferson.

Commissioners to receive subscriptions to capital stock.

Notice to be given.

Sec. 2. The capital stock of said Company shall be one million of dollars, and shall be divided into ten thousand shares of one hundred dollars each, and as soon as three hundred shares of said stock shall be subscribed, and five per cent. on each share actually paid in, the subscribers of such stock with such other persons as shall become stockholders in conformity with the provisions of this act, their successors and assigns shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the Watertown and Berlin Railroad Company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a Corporation, they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either real, personal, or mixed. They may make, have and use a common seal, and alter, break and renew the same at pleasure ; and by that name sue and be sued, plead and be impleaded, answer and be an-

Conditional corporate powers.

swered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular the acts and matters which to any Corporation it shall lawfully appertain to do and perform, for the well-being of said Corporation.

**Election of
Directors.**

Sec. 3. The said Commissioners, or a majority of them, after the said three hundred shares of stock are subscribed, shall close the books of subscription, and shall give at least thirty days notice in the newspapers herein before mentioned, of the time and place by them appointed for the stockholders to meet for the purpose of electing fifteen Directors, and the Directors thus elected, shall hold their offices until the next annual meeting of the stockholders for the election of Directors, and until other Directors are elected.

**Regulation and
management
of the com-
pany.**

Sec. 4. All the affairs of the said Corporation shall be managed by a board of fifteen directors, who shall be Stockholders, and who are hereby invested with all the powers of the said Corporation. They shall be chosen annually by ballot, at the annual meeting of the stockholders, which shall be held on the 1st Wednesday of February, by the Stockholders of the said Company, on like notice as is herein prescribed for the first election of Directors. The votes shall be delivered in person or by proxy duly authorized, and in all cases in which Stockholders shall vote, each share of Stock shall be entitled to one vote, and in all elections for Directors, those Stockholders equal to the number to be elected, having the greatest number of votes shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the Company. If from any cause an election of Directors should not be had at the time, when by the provisions of this act [it] should be had, the same may be had at any other time, on thirty days notice to be given as aforesaid, and until such election be had, the Directors of the preceding year shall continue to act; and that the Corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities, by the reason of the irregularity or want of such election. The Board of Directors may at any time increase or diminish the number of Directors to be elected at the next annual meeting of the stockholders. Provided the number shall not be less than seven nor more than twenty, and in case of such increase or diminution, the number to be elected shall be specified in the notice of election.

Proviso.

Sec. 5. A majority of the Board of Directors shall constitute a quorum for the transaction of any business. They shall meet at such times and places, and be convened in such manner as they shall decide upon; they shall elect by ballot one of their own number to be President, who shall, when present, preside at all meetings of the Directors, and when absent, the Directors may appoint a President *pro tem*. The Board of Directors shall appoint a Secretary, Treasurer, and such Engineers, Superintendents, agents, and other officers as they may find necessary; fix their compensation, and may demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy in their own Board. The Directors shall have power to re-open the books for subscription to the capital stock of the Company, or open new books under their own direction or the direction of a majority of them, or under the direction of such person or persons as they may designate; to decide upon the amount to be paid on such subscription, the time and manner and proportions in which the Stockholders shall pay subsequent installments on their respective shares, and to forfeit to the use of the Company, the share or shares of any person failing to pay any installments so required; to regulate tolls and charges for the transportation of freight and passengers; to make such covenants, contracts and agreements with any person or persons, co-partnership or corporation whatsoever, as the execution and management of the works, and the convenience and interests of the Company may require; to make any contract or agreement which they shall think proper with any other Railroad Company, for the leasing or purchase of the whole or any part of any Railroad constructed or to be constructed by such Railroad Company; to make and establish such by-laws, rules, orders and regulations, not inconsistent with the Constitution and Laws of the United States, or of this State, as they shall think necessary for the well-ordering of the affairs of said Company, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs and proceedings of said Company.

Regulations
for electing
officers.

General and
special powers
of Directors.

Sec. 6. The Directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said Corporation, signed by the President and Secretary, and sealed with the common seal of the Company, subject, however, to all the payments due or to grow due thereon; which stock shall be

Directors to is-
sue certifi-
cates.

transferable in such manner as shall be provided by the by-laws of the Company.

To exhibit an annual statement.
Special meetings.

Sec. 7. At each annual meeting of the Stockholders for the election of Directors, the Directors of the preceding year shall exhibit to the Stockholders a complete statement of the affairs and proceedings of the Company for such year. Special meetings of the stockholders may be called by order of the Board of Directors, or by Stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting.

Route.
General powers of the Company.
Car houses and shops, engine shops, toll houses.

Sec. 8. The said Company shall have power to locate and construct a Railroad from Watertown to Berlin, with one or more rail-ways or tracks, from some eligible point in or near the village of Watertown, Jefferson county, via the village of Lowell, town of Deaver Dam, village of Fox Lake—between Brown's Mill and Porter's Tavern in said village, if a good route is to be had—thence between the villages of Granville and Mackford, to such eligible point in the village of Berlin, Marquette county, as shall be determined upon by the Board of Directors of said Company, and the said Company shall have power to transport, take and carry property and persons upon said road, by the power and force of steam, of animals, or of any mechanical, or other power, or of any combination of them; and to make, construct and put in operation, all such turn-outs, side-tracks and connecting-tracks, as they shall think will promote the interests of the said Company, and erect such warehouses, car-houses and shops, engine-shops, toll-houses, machine-shops, and all other fixtures useful for the accommodation of said road and of those using it; to manufacture or purchase all necessary engines, tenders, cars and other conveniences for running said Road; and they shall have power to connect the said Railroad with any other Railroad or branch Railroad coming in contact therewith, and to operate the same in connection with such other Railroad or branch Railroad, and to lease or purchase from any other Railroad Company the whole or any part of any Railroad or branch Railroad owned by such Company; or to lease or to sell to any other Company the whole or any part of the Railroad or any of its branches, to be built or owned by this Company; and the said Company is hereby authorized and empowered to construct the said Railroad in sections, and the franchise of the sections so completed,

shall vest in the said Company the same as though the whole were completed.

Sec. 9. The said Company is hereby authorized and fully empowered in its corporate capacity, to borrow any sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said Company, and any person or party of whom such money may be obtained, any law on the subject of usury in this State, to the contrary notwithstanding; and to make, execute and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount and kind as may be deemed expedient by said Corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road; and the powers of said Corporation for the purposes aforesaid, and for all purposes necessary to carrying out the object of said Company, namely, the construction of a Railroad from and to the points aforesaid, are hereby ratified and confirmed; and the contracts and official acts of said Company declared binding in law and equity upon said Corporation, and upon all other parties to such contracts.

Authorized to borrow money.

Sec. 10. If said Corporation shall not within three years from the passage of this Act commence the construction of said Railroad, and in ten years from the time aforesaid complete the same, then the rights, privileges and powers of said Corporation under this Act, shall be null and void.

Condition of the charter.

Sec. 11. It shall be lawful for said Company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said Railroad, doing thereto no unnecessary damage; and when the said route shall be determined by said Company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such land, not exceeding one hundred feet in width along the line of said route; subject, however, to the payment of such compensation as the Company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided, in such cases respectively; and it shall further be lawful for said Company, by their officers, engineers and agents, to enter upon lands adjacent to the Railroad, beyond the limits provided in this Act, when necessary for the purpose of erecting depots, buildings, station-

Appropriation of land, how made.

When limits may be exceeded.

Damage to be
paid for.

houses, and necessary fixtures for the operation and the business of said road, and for the purpose of making drains and giving a proper direction to water-courses across or along said road, when the same are necessary, beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel and stone, taken from the deep cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage; and all damage which shall be done to any lands or property under the provisions of this section shall be ascertained and paid for in the manner and agreeably to the provisions of this Act; and when such damage shall have been paid or tendered, the title to the land occupied by such building, fixtures, excavations and embankments, shall vest in fee simple in said Company agreeably to the provisions contained in this Act; and it shall further be lawful for said Company to purchase and hold in fee simple, lands adjoining or adjacent to the Railroad, for the purpose of procuring earth, gravel, or other material for embankment and structures necessary to the construction and repairs of said road and necessary buildings; and whensoever such lands shall be no longer needed for the purposes aforesaid, the said Company is hereby authorized to sell and convey the same.

State lands
granted to the
company.

Sec. 12. In case the said Company shall locate the line of their Railroad on any lands belonging to the State, the said lands to the extent of one hundred feet in width along the line of said road, are hereby granted to said Company in fee simple.

Sec. 13. The said Company shall have the right to enter upon any lands required for their use, as provided in the eleventh Section of this Act, and to survey and lay out said road, not exceeding one hundred feet in width, and the said Company shall if possible agree with the owner of said lands as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same; and if the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, non compos mentis, insane, or married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman; and if said Company cannot agree

with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit: the said Company shall select a disinterested arbitrator, and such owner, guardian, or husband shall select another, who shall be disinterested and not of kin to him; or if they should refuse or neglect for the space of three days after being notified by said Company to do so, or if they be non-residents of this State, they shall be notified by mail, by letter signed by the Secretary and addressed to their usual place of residence, to select such arbitrator; and if they shall refuse or neglect for the space of sixty days after mailing of such letter, then in all cases of neglect or refusal as aforesaid, the judge of the county court, or chairman of the county Board of Supervisors of the county in which such land shall lie, shall appoint three competent persons to act as arbitrators, who shall not be of kin to the claimants, or in any manner interested in said Company, and the said arbitrators having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said Company to such person for the land so taken, and shall deliver a copy of their award in writing to each of the parties, and if the amount awarded by said arbitrators shall be more than said Company had previously offered to pay, then said Company shall pay all the expenses of said arbitration; and if it shall be less, then the other party shall pay such costs; and either party may, within ten days after receiving a copy of such award, appeal from the same to the court of the proper jurisdiction for the county in which such land is situated, by giving written notice of such appeal to some one of the arbitrators; and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said court; and the said court shall enter said case on its docket, setting down the claimant or claimants as plaintiffs, and the said Company as defendants; and the said court shall proceed to ascertain the amount of compensation to be paid by said Company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were by this Act required to take into consideration; and the said court shall thereupon proceed to render judgment in favor of said complainant against said Company; and if the amount so found for such complainant shall exceed the amount so found by said arbitrators, the judge

Proceedings to obtain a title to lands through which the road passes.

Who may appoint arbitrators.

When title shall vest in company. Evidence of title.

ment shall be rendered against said Company for costs; and if it shall not exceed the amount so found by said arbitrators, the judgment shall be rendered in favor of said Company for costs, and against said claimant. And when such compensation so to be ascertained according to the provisions of this section, shall be paid or tendered to the party entitled to the same, the title to said lands shall vest in the said Company in fee simple; and a copy of such award of judgment, filed in the office of the Register of Deeds of the county in which the lands lie, shall be sufficient evidence of such title; and the said Company shall have full power and authority pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possession of said lands for all the lawful purposes of said Corporation, and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment by any proceeding either at law or in equity. The said arbitrators shall, before they enter upon the duties of the appointment, severally take and subscribe an oath to faithfully and honestly decide between the parties, which oath shall be taken before some person authorized to administer oaths, and shall be returned with the award.

Arbitrators to take oath, &c.

When road crosses other thoroughfares the latter to be made good.

Sec. 14. The said Company may construct the said Railroad across any public or private road, highway, Railroad, stream of water, or water-course, if the same shall be necessary, but the said Company shall restore such road, highway, Railroad, stream of water, or water-course, to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, railroad, stream of water, or water-course, to the owner or to the public.

Tariff for freight and passage.

Sec. 15. On the completion of said Railroad or any section of the track not less than five miles, it shall and may be lawful for the Company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from [time] to time think reasonable.

Penalties for wilful injury or obstruction.

Sec. 16. If any person shall wilfully and knowingly injure or destroy the Railroad so to be constructed by said Company, or any part thereof, or any work, building or machinery attached to, or in use upon the same, belonging to said Company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road,

Each person or persons so offending shall, each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence; which may be recovered in the name of the said company by action of debt in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment; and upon conviction of any such offence shall be punished by fine and imprisonment, or either at the discretion of the court.

Sec. 17. The said Company, before opening their road through enclosed ground, shall erect such fences as shall reserve such enclosure entire; and shall, before they commence to use their road as a Railroad, erect a good and sufficient fence on both sides of the said road, through such enclosed ground, and shall maintain the same. Companies must fence in road.

Sec. 18. This Act is hereby declared to be a public act, and shall be favorably construed to effect the purpose thereby intended; and copies thereof, printed by the authority of the State, shall be received as evidence of proof in all cases.

Sec. 19. This Act shall take effect and be in force, from and after its passage.

Approved, February 11, 1853.

Act to amend the Charter of the Beloit and Madison Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 21.

SECTION 1. The the ninth Section of the Act to incorporate the Beloit and Madison Railroad Company, approved February 18th, 1852, be, and the same is hereby so amended as to authorize said Company to locate, construct and operate their road on the most eligible route between Beloit in the county of Rock, and Madison in the county of Dane; *Provided*, that said road shall not cross the North line of Town two North, West of Range eleven, East of the fourth principal Meridian. May select the most eligible route.

Sec. 2. This Act shall take effect and be in force from and after its passage.

Approved, February 15, 1853.

An Act to incorporate the Marine, Fire and Life Insurance Company of Wisconsin.

Chap. 22.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Company incorporated.

SECTION 1. That all such persons as do become Stockholders in the Capital Stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate by the name and style of the Marine Fire and Life Insurance Company of Wisconsin; the office of said Company shall be in the city of Milwaukee, in this State.

Capital stock, how divided.

Sec. 2. The Capitol Stock of said Company shall not exceed Five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and there shall be paid into the Treasury of said Company, by each subscriber to the capital at the time of subscription, an installment of ten per cent. on the stock by him subscribed, the remainder to be paid or to be amply secured to be paid, on real estate or other securities, as the Commissioners, hereinafter mentioned, shall deem sufficient; and *until* one thousand shares of said stock is subscribed for, and paid or secured to be paid as aforesaid, said Company shall not commence *business*.

Ten per cent. to be paid in.

Condition.

Directors to be appointed.

Classes—how divided, and when to expire.

Sec. 3. The stock, property and affairs of said Corporation shall be managed and conducted by fifteen Directors, and such Officers, Clerks and Agents, and other persons as said Directors may appoint from time to time; said Directors shall divide themselves into three classes by lot, the term of the first class shall expire on the first Monday of February succeeding their election, or as soon thereafter as others are elected in their stead; the term of the following classes shall expire successively on the first Monday of February in the following year, or as soon thereafter as others are elected in their stead. Nothing herein contained shall prevent the re-election of a Director. The *annual* election for five Directors shall be held on the first Monday of February in each year, at such place in the city of Milwaukee as a majority of the Directors may appoint, and the polls of said election shall be opened at two o'clock, and remain open until four o'clock, P. M., of said day, of which notice shall be given in some public newspaper published in the *English* language, and circulated in the county of Milwaukee, at *least* two weeks previous to said election; said election shall be held under the direction of three Stockholders, to be appointed by a majority of the Directors; and Directors shall be elected

Election of Directors.

Notice how given.

Election how held.

by a plurality of the votes of the Stockholders present at said elections, and their proxies, allowing one vote for every share of stock subscribed.

Sec. 4. It shall be the duty of the Directors, on organizing, and annually thereafter, to choose from their number a President, and they may in the same manner elect a Vice-President and Secretary; the Vice-President's duty shall be to perform all the duties of the President in case of his absence or inability. Directors to elect president and vice president.

Sec. 5. James B. Martin, Lester Sexton, John W. Medbury, E. B. Dickerman, Henry L. Palmer, Wm. J. Whaling, Allen W. Hatch, Herman Hærtell and E. M. Hunter, shall be the Commissioners to receive subscriptions to the Capital Stock of said Company; and when said stock shall be subscribed and paid, or secured to be paid as mentioned in the second section of this Act, the Commissioners shall call a meeting of the Stockholders, by advertisement, published at least one week previously in some newspaper published in the English language, in the city of Milwaukee, stating the time and place at which such meeting shall be held; and the said Stockholders shall by ballot, elect the first Directors of said Company. Said Commissioners shall act as Inspectors of said Election; and if there should be any deaths or resignation from the Commissioners above appointed, then the remainder shall appoint others to fill the vacancies. Commissioners appointed to receive subscriptions and call a meeting.

Sec. 6. The said Company shall have power to make insurance upon Vessels, Freights, Goods, Wares, Merchandize, Specie, Jewels, Bank Notes, Bills of Exchange, and other evidences of debt, bottomry respondentia interest, and to make all and every insurance connected with marine risks and the risks of transportation and Inland Navigation; also, upon Dwelling Houses, Stores and all kinds of Buildings, Household furniture, Merchandize and all other property, against loss or damage by Fire or Storm, and re-insure the same; and also, and every Insurance appertaining or connected with Life Insurance, and to cause themselves to be insured when deemed expedient, against any risk or risks on which they have or may make insurance. General powers of company.

Sec. 7. All Policies of Insurance or other contracts authorized by this Act, which may be made and entered into by this Corporation, may be with or without seal thereof, and shall be subscribed by the President or Vice-President and attested by the Secretary, and being so Contracts when properly subscribed binding.

signed, executed and attested, shall be binding and obligatory upon said Corporation.

Company may hold and sell real estate on certain conditions.

Sec. 8. It shall and may be lawful for the said Company to take and hold any real estate or securities, mortgage or pledge to the said Company, to secure the payment of any debt which may be contracted by or with said Company, and to foreclose the same, and to purchase on sale made by virtue of any judgment at law, or by order or decree of any Court of Equity, or any other legal proceeding, or otherwise to receive and take any real or personal estate in payment or towards satisfaction of any debt previously contracted and due to the said Company, and to hold the same until they can conveniently sell and convert the same into money, or other personal property, and also to invest the Capital Stock, or so much of the surplus profits of the said Company, as they may deem fit, in such manner as the Directors shall decide, and call in and reinvest the same so often as it shall be deemed necessary for the interest of the said Company.

Stock transferable.

Sec. 9. The Capital Stock of the said Corporation shall be transferable, according to the rules and regulations prescribed by the Directors; and every subscriber of any share or shares of said stock who shall neglect for thirty days, after having *been* duly notified, to pay the installments aforesaid, or to secure the residue of the share or shares by him subscribed, shall forfeit the same to the said Company or Corporation, and all payments made thereon, and all profits that may have arisen thereon.

Forfeitures.

Dividends may be made but not to exceed clear profits.

Sec. 10. It shall be lawful for the Directors of said Corporation or Company, to make a dividend of so much of the profits of the said Company as shall appear advisable; but the dividend shall not at any time exceed the amount of clear profits made by the Company; but the Capital Stock shall be and remain unimpaired; and if the said Directors shall at any time knowingly make a dividend of the Capital aforesaid, they shall be individually liable for the proportion of the Stock so divided, and an action of debt may be brought against them or any of them, in any Court of record in this State by any creditor of said Company; and each Director present when such dividend shall be made shall be adjudged consenting thereto, unless he forthwith protest against such dividend, and request his protest to be entered on the minutes of the Company, and give further notice to the Stockholders of the declaring of such dividend, by advertising his said protest within ten days thereafter in a newspaper published

When directors individually liable.

in the English language, and circulated in the county of Milwaukee.

Sec. 11. Nothing contained in this Act shall be construed to authorize the business of Banking.

Approved, February 16, 1853.

An Act to authorize the erection of a Dam across the Milwaukee River in Milwaukee County.

Chap. 23.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Peter Bender, Lyman P. Swift, and their associates, be and they are hereby authorized to erect and maintain a Dam across the Milwaukee River in the county of Milwaukee, in the North-East quarter of Section thirty (30), in Town number eight (8), North of Range number twenty-two (22) East, and to make use of the water for hydraulic purposes. To build and maintain dam.

Sec. 2. That if any lands should be overflowed by reason of the erection of said Dam, said Bender, Swift, and their associates, successors and assigns, shall pay such damages as may be just and reasonable to the party or parties aggrieved. Damages when paid.

Sec. 3. As soon as said River shall become navigable, said Bender, Swift, their associates and assigns, shall construct a sufficient lock or locks for the free passage of all water craft.

Approved, February 16, 1853.

An Act to authorize John J. Cruikshank to construct and maintain a Canal at Grand Rapids, Wisconsin.

Chap. 24.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That John J. Cruikshank, his heirs and assigns, shall have, and hereby is, granted the power, right and authority to make, construct and maintain a Canal at Grand Rapids, Portage County and State of Wisconsin; beginning at or near the mouth of Railroad Creek where it empties into the Wisconsin river, on Lot Number five (5), Section Number eight (8), Township Number twenty-two (22), Range Number six (6), East of the fourth (4th) principal meridian, thence South-Westerly through said Lot Number five (5), thence through the North-East quarter of the South-East quarter of said Section Number eight When and by whom dam shall be constructed.

(8), thence through Lots Numbers six (6), seven (7), and eight (8), Section, Township and Range aforesaid; thence through Lots Numbered one (1) and two (2), Section Number seventeen (17), Township and Range aforesaid, to the Wisconsin River at the foot of said Grand Rapids.

May purchase
real estate and
enter upon
lands necessary
for the
canal.

Damages how
settled.

County Judge
to appoint as-
sessors.

Sec. 2. The said John J. Cruikshank, his heirs or assigns, is hereby empowered to purchase, receive and hold, such real estate as may be necessary and convenient in accomplishing the object for which this Act is passed, and may by himself, his agent or representative, enter upon and take possession of all such lands and real estate as may be necessary and indispensable for the construction and maintenance of said Canal and the appendages and accommodations requisite and appertaining thereto; and may also receive, take and hold all such voluntary grants and donations of land and real estate as shall be made to him or them, for the purposes aforesaid. But when any land and real estate shall be taken and appropriated by the said John J. Cruikshank, his heirs or assigns, for the location and construction of said Canal or its appendages or any any work appertaining thereto, and the same shall not be given or granted to him or them, or the owner or owners do not agree with him or them as to the amount of damages or compensation which ought to be allowed or paid therefor, or shall not mutually agree on some person to appraise the same, the damages shall be estimated and assessed in manner following:—The said John J. Cruikshank, his heirs or assigns, or the owner or owners of said lands, may have the same appraised, first giving ten days notice of his or their intention so to do, by making application by petition to the County Judge of the County in which said lands are situated, particularly describing the same, and asking for an appraisal thereof. The Judge shall, on hearing said petition, and in case it shall appear that any owner or owners of said lands is a *feme covert*, infant or insane person, or otherwise incompetent to take proper care of his or her interest, it shall be the duty of said Judge to appoint some discreet and reputable person to act in the premises in his or her behalf, and the said Judge shall appoint three disinterested citizens of the County in which said lands are situated, as Commissioners for the purpose of assessing such damages, and in the order in which they are appointed, shall specify the lands proposed to be appropriated and occupied by him or them for the purpose aforesaid.

The said Commissioners, after being duly sworn before

some officer legally authorized to administer oaths, honestly and impartially to assess such damages, shall proceed by viewing said lands and by such other evidence as the parties may produce before them, to ascertain and assess the damages which each owner will sustain by the appropriation of his or her land for the purposes aforesaid.

How Commissioners shall proceed.

The said Commissioners shall make a report to said Judge in writing under their hands: The order for their appointment, and specifying the several tracts of land described therein, with all necessary certainty, the names of the owners of the same, if known, or if not known, stating the fact, and specifying also the damages which the respective owners of said lands will sustain by reason of the appropriation of the same for the purpose aforesaid; and said Judge may, on the hearing of the parties in interest, modify the assessments as to him shall appear just.

Commissioners to report in writing to the judge—and what.

On the payment of the damages thus assessed, together with the expenses of the assessment, as the same shall be settled by said Judge, or on depositing the amount thereof for the use of such owner or owners, in such place as said Judge may direct, he, the said John J. Cruikshank, his heirs or assigns, shall immediately become entitled to the use of said lands for the purpose aforesaid. And the report of said Commissioners, with the order of said Judge modifying the same, if the same shall have been modified, shall be recorded in the office of the Register of Deeds of said County where said lands are situated, and in the same manner and with like effect as Deeds are recorded, without further proof than the certificate of said Judge that the same is genuine. And when said report and order shall have been recorded as aforesaid, the said John J. Cruikshank, his heirs or assigns shall be seized and possessed of said lands and real estate, and may enter upon and take possession of the same for the purposes herein before recited.

Proceedings on payment of damages.

Report of Commissioners to be recorded.

Sec. 3. The said John J. Cruikshank, his heirs or assigns, is hereby authorized and empowered to demand, receive, sue for and recover of any person or persons floating any raft or rafts of Lumber, Timber, Saw Logs, Boat or Boats, Scow, Shingles, or any kind of water craft, through or into said Canal, the following rates of toll, to wit:—

Rates of toll.

For each and every thousand feet of Sawed Lumber, ten cents.

For each and every hundred Saw Logs, two dollars.

For each and every thousand feet of hewn timber, lineal measure, one dollar and fifty cents.

For each and every thousand Shingles, carried on boats, rafts, or otherwise, three cents.

For each and every flat boat, one dollar.

For all other water craft, twenty-five cents per ton, Custom House measurement.

And any person or persons having charge of any Lumber, rafts, saw logs, hewn timber, shingles, flat-boat, scow or other water craft, as owner, consignee, pilot or navigator, shall, before entering into or using said Canal, obtain from said John J. Cruikshank, his heirs, assigns, or legal representative, of him or them, a written permission to enter into, use or pass through said Canal, in which permit the quantity, nature and description of the same shall be stated, and the amount of toll paid or agreed to be paid on the same, and said navigator, or owner, consignee or pilot, shall be liable to pay the toll thereon, and any property so run through said Canal shall be liable for the payment of the same.

Sec. 4. No person shall, under any pretence whatever, except with the permission of the owner or owners of said Canal, his or their agent, dig any drains, remove or deposite any earth, stone, sand, gravel, wood or timber, or other material, to the injury of the Canal or embankment, under penalty for injuring canal. of a fine of not more than one hundred dollars nor less than five dollars, to the use and benefit of the owner or owners of said Canal.

If any Raft, Boat, Log, or other floating thing, shall be so moored or stopped in the Wisconsin river at the entrance or outlet of said Canal, or in said Canal, so as to obstruct the navigation of any portion thereof, and the owner, master or navigator thereof, shall not, without unnecessary delay, upon being requested by the owner, owners, or the agent of him or them, or by any person incommoded by such obstruction, remove the same, he or they shall forfeit and pay a fine of not less than five nor more than one hundred dollars for every hour he or they shall allow or permit the same to obstruct the navigation of said Canal. or obstruct.

Sec. 5. In case of refusal of any person or persons liable to pay toll, who are or may be liable so to pay, under the provisions of this Act; the person by this Act authorized so to do, may sue for and collect the same either by attachment of the property run through or into said Canal, or by an action of assumpsit. persons refusing to pay toll may be sued.

Sec. 6. The person hereby authorized to construct the said Canal shall keep the same in good repair at all times after its completion, and shall be liable for all damages to be kept in good repair.

growing out of any unreasonable neglect so to do, to any person or persons injured thereby.

Sec. 7. The said John J. Cruikshank, his heirs or assigns, shall be allowed one year from the passage of this Act for the commencement of the construction of said Canal, and in case the same shall not be completed within three years thereafter, the privileges herein granted shall be forfeited. Condition of its construction.

Sec. 8. The said John J. Cruikshank, his heirs and assigns, shall be bound to repair all public highways and bridges which may be injured in the constructing of said Canal, and shall restore them as far as practicable to as good a condition as they were before they were injured, and build any bridges which may become necessary in consequence of any highway being obstructed by the construction of said Canal. To repair highways and bridges, &c.

Sec. 9. This Act shall be deemed and taken as a public Act, and shall be construed beneficially for all purposes herein specified or intended, and all copies thereof printed by or under the direction of the Legislature of this State, shall be received in all Courts and places whatsoever in said State, as sufficient evidence thereof without further proof. Declared a public act.

Sec. 10. Nothing in this Act shall be so construed as to prevent persons from running lumber or any other property through or by the main or any other channel of the Wisconsin river, or authorize the obstruction of the same. How construed.

Sec. 11. This Act may be altered or repealed by any subsequent Legislature.

Sec. 12. This Act shall take effect from and after its passage.

Approved, February 16, 1853.

An Act to incorporate the Plymouth and Charleston Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 25.

SECTION 1. That J. L. Moore, J. R. Hawkins, John Marygold, R. H. Hotchkiss, M. M. Flint, H. N. Smith, P. Drucher, James Robins, William Poulson, Leroy Graves, be and they are hereby appointed Commissioners under the direction of a majority of whom subscriptions may be received to the Capitol Stock of the Plymouth and Charleston Plank Road Company hereby incorporated, and they may cause books to be opened at such times and Commissioners appointed.
When books opened.

places as they shall direct, for the purpose of receiving subscriptions to the Capitol Stock of said Company, first giving thirty days notice of the times and places of taking such subscriptions by publishing the same in one or more newspapers published in the county of Sheboygan.

Capital stock
how divided.

Sec. 2. The Capital Stock of said Company shall not be more than One Hundred Thousand Dollars in shares of twenty dollars each, and as soon as one hundred shares of the capital stock shall be subscribed, and five per cent of the amount thereof actually paid in or secured to the said Company, the subscribers to said stock with such other persons as shall thereafter associate with them for that purpose, their successors and assigns, shall be and are hereby created and declared a body corporate and politic by the name and style of the "Plymouth and Charleston Plank Road Company," with perpetual succession, and by that name shall be capable in Law of purchasing, holding, selling, bargaining and conveying estate real, personal or mixed, and in their corporate name may sue or be sued, may have a common seal which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporate Company may by law do.

Name and
privileges of
company.

When direc-
tors to be elec-
ted.

Sec. 3. The said Commissioners or a majority of them, after the said one hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days notice in one or more newspapers of the said county of Sheboygan, of the time and place of the meeting of the Stockholders for the purpose of electing seven Directors, who shall hold their offices until their successors are elected, and annually thereafter on the anniversary of the first election, upon notice of the place of meeting being given by the Directors then in being, published in one or more of the newspapers in the county aforesaid, to be designated by the said Directors, the said Stockholders shall meet to elect Directors; *Provided*, That until the first election of Directors the said Commissioners above named upon the subscription of one hundred shares of stock, the organizing of said Commissioners by the election by them of one of their number President, shall have given them all the powers, and they may perform all the duties of a Board of Directors for said Company, and the corporate existence of said Company shall be taken and held to have begun and be complete when said Commissioners are so organized as if a regular election of Directors had taken place, and in case of a vacancy at any time in the Board of Directors or in said Board of Commissioners, acting in

Proviso.

the capacity of the Directors, the Board shall have power to fill such vacancy.

Sec. 4. The affairs of said Company shall be managed by the said Directors, who shall be Stockholders, and be chosen by ballot by the Stockholders in person or by their proxies, duly authorized, and in all elections and in the discussion of all questions acted upon by any meeting of the Stockholders, each share of Stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections when the seven persons having the greatest number of the votes cast for Directors shall be declared duly elected.

Directors, and
mode of their
election.

Sec. 5. A majority of said Directors shall form a quorum for the transaction of all business, and shall organize by appointing one of their number President, and they shall have power to appoint a Secretary and Treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper By-Laws, Rules and Regulations, for the management of said Company, the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which By-Laws, not inconsistent with the Constitution and Laws of this State, when duly recorded in the books of the Company, shall be effectual and binding upon the members of said Company, and all persons interested therein, as if the same formed a part of this Act of incorporation.

President and
other officers
to be chosen.

Powers of Di-
rectors.

Sec. 6. The said Board of Directors shall also have power to decide the time and manner in which said Stockholders shall pay installments on their Stock, and to declare the forfeiture of said Stock and all prior payments thereon, for failure to pay such installments as may be called for, and also to accept in behalf of said Company, a relinquishment of any Stock subscribed, and execute to the person or persons relinquishing the same valid releases, discharging them from all liabilities thereafter for or on account of the acts of said Company.

Further pow-
ers.

Sec. 7. The said Directors shall have power to regulate tolls, and to make such covenants and contracts in the name and under the seal of said Company with any person or persons, as the execution or management of the work and the convenience and interest of the Company

May regulate
tolls, &c.

may require, and may issue to each Stockholder a certificate or certificates for the shares which he, she, or they, shall subscribe for, stating in the body of such certificate or certificates, the amount paid on such share at the time of issuing certificate or certificates; which certificate or certificates shall be transferable in the manner prescribed by the By-Laws of said Company.

Route of the road.

The track of

The track—of what composed.

May enter upon lands.

Proviso

Sec. 8. The said Company shall have power to construct a single or double track, commencing at the Sheboygan and Fond du Lac Plank Road, near the Quitquioe House in the town of Plymouth, Sheboygan county, running thence via the East side of Elkhart Lake in the town of Rhine, in said county, to the village of Stantonville in the town of Charleston, in Calumet county, with the power to extend said road from said village of Stantonville to the village of Menasha in the county of Winnebago, or to connect said road with the Manitowoc and Menasha Plank Road; the said Company shall have power also to construct a branch of said road from the said village of Stantonville to some point on Lake Winnebago in the town of Stockbridge, which the Directors of said Company may decide upon. The track of said road shall be constructed of Plank, Stone, Gravel, Charcoal, or either, in whole or in part, each at the option of the Directors, so that the same, when completed, shall constitute a firm, regular and proper surface for the passage of Wagons and Carriages.

Sec. 9. It shall and may be lawful for said Company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said Plank Road, doing thereto no unnecessary damage, and when said route shall be determined by the said Company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, and take possession of, and use said lands, not exceeding four rods in width along the line of said route, subject however, to the payment of such compensation as the Company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed; *Provided*, That in such places as may be necessary for the Company to obtain gravel and stone, or to make excavations and embankments for the construction of said road; the Company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of the road as may endanger the said road by falling or otherwise.

Sec. 10. When the said Corporation shall not agree

with the owner or owners of any land, gravel, stone or other material required for the construction of said road, for the purchase thereof, or for the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such purchase can be made, then and in any such case it shall be lawful for any Justice of the Peace to issue a warrant directed to the Sheriff or any Constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said Justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten day from the date of said warrant, and if at the time and place named any of the persons named in the warrant, do not attend, the the said Sheriff or Constable, shall immediately summon as many as may be necessary with the persons in attendance as Jurors, to furnish a pannel of nine Jurors, and from them the said Company, and the owner or owners of the said property to be valued, their agent or attorney, or either of them, and if they are not present by attorney, the Sheriff or Constable shall for him, her or them, strike off each two of said Jurors, and the remaining five shall act as a Jury of Inquest of damages. Before they act as such, the said Justice of the Peace shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment; whereupon, the said Justice and the Jurors shall proceed to view the said land or materials so required, and to hear the evidence of the respective parties, which the said Justice shall reduce to writing, which shall be signed by the said Justice, and the verdict of the Jurors shall be signed by the Jurors or a majority of them, and by the Justice of the Peace; and the said Justice of the Peace shall within five days thereafter transmit the same to the Clerk of the Circuit Court of the proper County, who shall file the same; such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and such valuation when paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said Court, shall entitle the said Company to

Proceedings when difficulties arise between owners of land and the contractors.

Five men to act as jury of inquest of damages.

Oath administered.

Verdict to be filed with clerk of circuit court.

Nature of the inquisition.

Proviso.

the estate and interest in the same thus valued as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said Plank Road; *Provided*, That it shall not be lawful for any Justice or Jury of Inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation, or that said owners cannot be found in the county, or unless it shall in like manner be shown that such owner or owners are under age or non-compos mentis; such service of notice may be made upon the guardian or trustee, under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit. *Provided*, that no such material shall be taken if the Jury shall decide that the same are essential to the owner or owners thereof. *Provided*, that any party conceiving himself aggrieved by any decision herein stated, may in any such case appeal from such decision to the Circuit Court of the County in which the property in question is situate, as in ordinary cases of appeal.

Provided further.

Road may be constructed on other highways.

Proviso.

Agreement in writing shall be filed.

Sec. 11. The Directors shall have power in their discretion to construct said Plank Road, along or upon any road or highway, now or hereafter to be laid out, opened width, and established by the proper authorities, and of such and in such manner as the said Directors shall determine. *Provided*, They procure by agreement with the Supervisors of any town, the right to take and use any part of any public highway in such town for the construction of such proposed road, and agree with such upon the amount of compensation and damages to be paid by such Company to such Supervisors therefor. Every such agreement with the Supervisors shall be in writing, and shall be filed in the town Clerk's office of the town; and such compensation and damages, when paid to the Supervisors, shall be expended by them in improving the Highways of such town, but if the Directors do not agree with the Supervisors, the amount of damages shall be valued in the manner prescribed in Section ten of this Chapter, and they may erect Toll-gates, and exact toll from persons traveling on their road, when four consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh or carriage, drawn by

two animals; and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage, drawn by one animal, one cent per mile; and for every horse and rider, or led animal, one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile. *Provided*, That persons going to and from military parade, at which they are required by law to attend, and persons going to and from funerals, shall be exempt from tolls. The toll gatherer at each gate when erected on said road in pursuance of this Act, may detain and prevent from passing such gate, any animal or carriage subject to toll until the same is paid. Tolls regulated.

Sec. 12. The said Directors may receive from any Stockholder in said Company, in lieu of money for the Stock subscribed by him, real or personal security to the approval of said Board of Directors, and upon the acceptance of such security from said Stockholders, or any of them, the subscription of said Stockholders shall be considered as paid, and certificates of Stock shall be issued to said Stockholder in the same manner as if he had paid in the whole amount of his subscription in money, and it shall be competent for the said Stockholders paying their subscriptions to said Stock in securities as aforesaid, to contract and pay to said Company interest not exceeding twelve per centum per annum for a period not exceeding ten years, and to execute to said Company, by its corporate name, bonds, mortgages or notes, for such Stock which shall be available for the use and benefit of said Company, and for all subsequent holders thereof, and be transferable by them or any of them in the same manner as if the same were made payable to individuals, or to their orders or assigns. Real or personal security received in lieu of money by directors.

The said Directors for the purpose of raising funds to aid in the construction of said road, may at their discretion issue the bonds of said Company, bearing such rate of interest as they may decide upon, not exceeding twelve per centum per annum, payable at a period not exceeding ten years. Directors may issue bonds.

Sec. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road to be constructed by said Company, or any part thereof, or any work, building or fixtures attached to or in use upon the same, belonging to said Company, such person or persons so offending shall each of them, for every such offence, be liable to a Civil suit for the recovery of damages by said Penalties.

Company, by an action of trespass in any Court having competent jurisdiction in the County where the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the Court.

Penalties.

Sec. 14. Any person who shall wilfully break down any gate on such road which may have been erected in pursuance of this Act, or do any damage to said road, or forcibly, or fraudulently pass any gate without having paid the legal toll, or to avoid the payment of the legal toll, shall, with his team, carriage, or animal, turn out of said road, or pass any gate thereon, on ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said Company, and also for all damages done to the profits of said Company in an action of trespass.

How capital stock may be increased.

Sec. 15. The Directors of said Company, at any annual or special meeting of the Stockholders, with the consent of a majority in amount of said Stockholders, may provide for such increase of the Capital Stock of said Company as may be found necessary to complete said road in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

Condition of the charter

Sec. 16. If said Corporation shall not within three years from the passage of this Act, commence the construction of said Plank Road, and expend three thousand dollars or more thereon, and shall not within five years from the passage of this Act, construct, finish, and put in operation a single or double track of Plank or Gravel road between the places afore mentioned, then the right, privileges, and powers of the said Corporation under this Act shall be null and void.

Sec. 17. This Act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public Act; and copies thereof printed by authority of the State shall be received as evidence thereof.

Sec. 18. This Act may be altered or amended by any future Legislature of the State of Wisconsin.

Approved, February 16, 1853.

Act to amend an Act entitled "An Act to consolidate and amend the act to incorporate the city of Milwaukee, and the several Acts amendatory thereof; approved, February 20, 1852.

Chap. 26.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. At each annual election for city and ward officers, there shall be a city attorney elected by the qualified voters of said city, whose duty it shall be to institute and conduct all suits and prosecutions in behalf of the city, and to perform all professional services incident to the office, and to furnish written opinions upon any matter submitted to him by the Common Council, or any of its Committees. City attorney and his duties.

SEC. 2. At every such annual elections, there shall be elected by the qualified voters of the said city, a city comptroller, who shall hold his office for the same term as the Mayor and Treasurer, and shall perform the duties now prescribed by law for city Comptroller. Any vacancy occurring in the office of city comptroller may be filled by the Common Council. Providing for election of city comptroller.

SEC. 3. There shall be elected annually in the city of Milwaukee, at the same time and in the same manner as other ward officers are elected. One Railroad Commissioner for each ward, and the terms of office of such Railroad Commissioners shall commence at the same time as the Assessors in said city. Railroad Commissioner to be elected.

SEC. 4. It shall be the duty of such Railroad Commissioners, and they are hereby authorized and empowered to attend the elections of Directors of any Railroad Company, in which the city of Milwaukee may own, or hold stock, or be entitled to vote upon stock; and such Commissioners shall severally be authorized and entitled at such election such rateable number of the whole number of votes which the city of Milwaukee may be entitled to cast at such election as the assessed valuation of taxable property, in each ward, shall bear to the whole assessed valuation of taxable property in the said city. His duties and powers.

SEC. 5. The Common Council of the said city of Milwaukee, shall, at the meeting thereof, to be held in each ward, equalize and confirm the assessment roll of said ward immediately after the assessment roll shall be confirmed by a resolution, determine the number of votes each Railroad Commissioner shall be entitled to at the election of Directors of each Railroad Company in which the city of Milwaukee may own, hold, or

Common council shall determine the No. of votes said commissioner may cast.

be entitled to vote upon stock according to the fourth section of this Act; and shall cause such resolution to be entered in the proceedings of the Common Council, and shall furnish each of such Commissioners with a copy of such resolution—certified by the Clerk of said city, under the seal of the said city.

Common council may establish the grades of streets, alleys, &c.

Sec. 6. The Common Council of the said city, may at such time as they may deem proper, establish the grade of all streets, alleys and side-walks in said city, and have accurate profiles thereof filed, as is provided in the eighteenth Section, of Chapter ten, of the Act to which this is amendatory, anything in said Act, or the Acts to which this is amendatory to the contrary notwithstanding.

Powers of street commissioners.

Sec. 7. The Street Commissioners of the several wards are hereby authorized to require, by such general regulations as they may choose to adopt, the owners or occupants of the several lots within their respective wards to clean and repair the side-walks, streets and alleys, opposite the respective lots, so far as to the centre of such streets and alleys, and to employ any person or persons, whose duty it shall be to make such repairs, and cleanse such streets, alleys and side-walks. Whenever such regulations shall not have been complied with, and at some period prior to the time of the delivery of the tax-list to the Treasurer under the Charter, it shall be the duty of the Street Commissioners to make a report to the Comptroller of the amount of tax properly chargeable against each lot for work done under this section, for any period not exceeding one year prior to such report, specifying the amount in gross, and such amount shall be a lien upon such lots and be levied thereon as a special tax with all the legal consequences both as to collection of taxes and sale of the lots prescribed in the Charter for special taxes.

Sec. 8. Section three, of Chapter two hundred and thirty-five, of the Session Laws of 1852, is hereby repealed.

Limits enlarged.

Sec. 9. The corporate limits of the city of Milwaukee are hereby enlarged, so as to include the south half of Sec. fifteen, and so much of the south half of Sec. sixteen, in Township seven, north of Range twenty-two, as lies east of the Milwaukee River; and the additional territory, so included, shall constitute part of the First Ward of said city.

Salaries of officers fixed.

Sec. 10. The salaries of the several officers of said city of Milwaukee, hereinafter named, shall be as follows, viz: Comptroller, fifteen hundred dollars

annum; City Attorney, six hundred dollars per annum; City Marshal, eight hundred dollars per annum; City Clerk, one thousand dollars per annum.

Sec. 11. This Act shall take effect from and after its passage.

Approved, February 18, 1853.

An Act to revise, renew and amend an Act entitled an Act to provide for a special tax for the improvement of the Manitowoc and Calumet Road; approved, April 17, 1852.

Chap. 27.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Act of which this is amendatory, is hereby revived and renewed as follows: The time allowed the Commissioners, named in said Act, for Calumet county to file their oaths and execute their bonds, and make out the assessment roll as required by said Act, is hereby extended until and including the last day of June, A. D., 1852.

Time for filing oaths &c., extended.

Sec. 2. The fifth section of said Act is so amended as relates to Calumet county, that said Commissioners shall not have power to levy a tax exceeding twenty mills on the dollar, on the lands and lots described in section four, of said Act.

Commissioners may levy tax on certain lands.

Sec. 3. Section two, of said Act, is hereby amended as follows: Instead of said Commissioners filing their oaths with the Town Clerk of the town of Manchester, and executing their bonds to the Supervisors of the said town of Manchester. The said Commissioners are hereby required to file their oaths with the Town Clerk of the town of Charleston, and execute their bonds to the Supervisors of said town of Charleston.

Oaths to be filed and where.

Sec. 4. Said Commissioners shall have power to make such alterations in relation to straightening said road, as they may deem advisable; provided this section shall not be construed so as to allow said Commissioners to alter the terminus of said road.

May straighten road.

Sec. 5. N. E. Eastman, A. D. Dick and R. Mangan, are hereby appointed and constituted Commissioners for the purpose of carrying into effect the provisions of the Act of which this is amendatory, instead of the Commissioners therein named and appointed.

Commissioners appointed.

Approved, February 18, 1853.

Chap. 28. An Act to amend an Act entitled "An Act to incorporate the village of Manitowoc, in the county of Manitowoc."

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That so much of section thirty-four, of the Act entitled "An Act to incorporate the village of Manitowoc, in the county of Manitowoc;" approved, March 6, 1851, as is inconsistent with the provisions of any special or general law of the Legislature, which has been, or may hereafter be enacted, authorizing said village to borrow money or loan its credit, be, and the same is hereby repealed.

Approved, February 18, 1853.

Chap. 29. An Act authorizing the construction of a Free Bridge across the Milwaukee River, on or near the town line between the towns of Grafton and Mequon, in the county of Washington.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

To build and maintain a bridge. SECTION 1. That Charles Quentin, Herman Kemper, and their associates, are hereby authorized to build, construct and maintain a bridge across the Milwaukee River in Washington county, on or near the town line, between the towns of Grafton and Mequon, in said county.

Se. 2. Said Bridge shall be so constructed as not to obstruct the free navigation of said river, and shall forever remain free from toll for passing the same.

Penalties. SEC. 3. Any person or persons who shall do any willful or malicious injury to said bridge, shall be liable to the owner or owners thereof, for the amount of such damages to be recovered in any court of competent jurisdiction, and in addition thereto; upon complaint being made, may be punished as now provided by law for injuries of that nature.

Approved, February 18, 1853.

Chap. 30. An Act to incorporate the Wisconsin River Improvement Company.
The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Incorporated. SECTION 1. Walter McIndoe, William Scholfield, Wm C. Wells, Henry Cate, John Slothouer, John H. Morrison Charles Shuter, their associates, successors and assigns are hereby created, and shall corporate by the name of the

"Wisconsin River Improvement Company;" and by that name shall be, and are hereby made capable in law to purchase, hold, and enjoy, and retain to them and their successors, lands, tenements and hereditaments, and the same to sell, grant, rent, or in any manner dispose of, to contract and be contracted with, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended; and also to make, have, and use a common seal, the same to alter, break or renew at their pleasure. But if either or any of the persons named in this section shall refuse to accept of the privilege, and discharge and perform the powers hereby conferred, it shall be the privilege of any other of the persons named in this section, to object to the exercising by the said Company any of the powers granted by this Act; and in case any of said persons shall so object, as lastly above mentioned, the Corporation are hereby prohibited from doing, performing or exercising any powers or privileges conferred by this Act: Provided that said objection be made before said Company, shall have entered upon the performance of the business for which it was created. The said persons, their associates, successors and assigns, are created a body corporate for the purpose of improving the navigation of the Wisconsin River from Stevens Point to Point Bass, in Portage county, in any manner they may deem most expedient.

Privileges.

Condition.

Proviso.

Sec. 2. The capital stock of said Company shall not exceed "one hundred and fifty thousand dollars," to be subscribed in shares of fifty dollars each; and as soon as one hundred shares of said Stock shall be subscribed, the individuals above named may, by public notice to be posted up at Stevens Point, Plover, Grand Rapids and Point Bass, in Portage county, for a period of not less than thirty days, call a meeting of the Stockholders of said Company for an election of three Directors.

Capital stock.

Meeting of stockholders.

Sec. 3. For the purpose of carrying out the objects of this Incorporation, they and their successors and assigns shall have power to erect and maintain such dams and piers at such points on the Wisconsin River, between the points named aforesaid, as to them shall seem necessary for the suitable improvement of the navigation of said river, between said Stevens Point and Point Bass, and for that purpose, they and their successors and assigns in their corporate name, shall be, and they are hereby made capable in law to purchase, receive, have, hold and enjoy any lands, tenements, water-power and water pri-

May erect dams and piers.

Powers.

privileges, goods and chattels, and other real and personal estate as may be necessary to accomplish the object of their incorporation, and the same to use and employ, grant, demise, pledge, convey and dispose of as they shall deem proper, and to have, enjoy and exercise, all the rights, powers and privileges pertaining to Corporations, and useful or necessary for the purposes of their incorporation; and they and their successors and assigns, shall have power and authority to demand and receive, and give receipts for the same, and to sue for and recover by summons, distress, attachment, or in any other proper manner, tolls upon all lumber, timber, logs, shingles, lath, boats, scows, barges, or other vessels, which shall pass over or through all or any of the improvements made by them or their successors or assigns, the amounts thereof and rates of toll to be established and regulated by a vote of the majority of the Stockholders at any legal meeting, subject, however, to the alteration and revision of the Legislature of this State.

When company may commence business.

Manner of calling in stock,

Stock forfeited.

Sec. 4. As soon as five thousand dollars of the capital stock of the said Company shall have been paid or satisfactorily secured, it shall and may be lawful for the said Company to commence their business; and the said Directors, or a majority of them, shall have power to call in said Stock from time to time, in such installments as they shall see fit to prescribe, giving thirty days notice as aforesaid, not exceeding ten dollars on each share for one installment, and the installments not less than thirty days apart, and if any Stockholder shall neglect or refuse to pay his installment on his Stock, the Stock of such Stockholder so neglecting or refusing, and all previous payments thereon, shall be absolutely forfeited to the said Company for the use and benefit of said Company, said the Stock of the said Company shall be deemed personal property, and shall be transferable on the books of said Company, in such manner as shall be prescribed by the by-laws of the said corporation.

Annual dividend to be made.

Transfers of stock to be registered.

Sec. 5. A dividend of the profits of the said Company (except so much thereof as shall be set apart for a surplus fund) shall be made annually by the Directors among the Stockholders; but no dividend shall be made of any part of the capital stock of said Company, and the book of the Company shall at all times be open for the inspection of the Stockholders or any of them, and no transfer of stock shall be valid or effectual until such transfer shall

be entered or registered in a book to be kept by the Directors for that purpose.

Sec. 6. The said Company, their officers, engineers and agents may enter upon any land for the purpose of exploring, surveying and locating any part of said improvement, doing thereto no unnecessary damage, and when the place or places for the location of said improvement, or any part thereof, shall be determined by said company; it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, or any trees or stones thereon, as may be necessary to construct such improvements. Provided the payment of such compensation as the said Company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter directed and provided, shall have first been paid to the owner or owners of such land, and all damages which any such person or persons may sustain in consequence of the erection and making such improvement.

Provision for entering upon lands.

Sec. 7. When the Corporation cannot agree with the owner or owners of such required land, timber or stone, for the purchase thereof, as to the compensation to be paid to any person or persons who may sustain any damage arising out of the making such improvement; it shall be lawful for the Judge of the Circuit Court of the county in which such lands lie, or the person or persons sustaining damage may reside, on application of either party, and at the cost and charge of such Corporation, to appoint three disinterested persons, whose duty it shall be to view and examine the premises, on which it is proposed to locate the said improvement, or any part thereof, and estimate the value of the land, stone and timber required, and the damage which the owner or owners of any such land may sustain in consequence of the proposed improvement being made; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some competent person to administer an oath for the faithful discharge of their duties as appraisers, whereupon such Commissioners shall proceed to examine the premises, and estimate the value of such land and material, and the damages which the owner or owner of any such land may sustain in consequence of such improvement, and shall make a report of such valuation in writing under their hands and seals, to said Judge, and shall return the same within thirty days of their appointment to the Clerk of the Circuit Court of the county.

When owners of land & company cannot agree how they shall proceed.

where said improvements may be located ; and it shall be the duty of the Clerk to file the same, and in case no appeal shall be made within thirty days after the filing of said report, as hereinafter provided, then the said Clerk shall record the same at the expense of the said Company, and judgment of the said Court shall be entered thereon, on motion of either party at any term of said Court : **Proviso.** Provided that either party mak appeal to said Court within thirty days after said report shall have been filed in the Clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said Court, and a jury may be impaneled, and judgment rendered in the same manner as in other cases.

Company may borrow money and issue bonds. Sec. 8. The said Company are hereby authorized and fully empowered in their corporate name and capacity to borrow any sum or sums of money from any person or persons, and for any rate of interest which may be agreed upon by and between said Company, and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, bonds or other evidences of debt, and make and execute, and deliver such securities in amount and kind, as may be deemed expedient by said Corporation, any law on the subject of usury in this State to the contrary notwithstanding.

Directors may make rules and may regulate tolls. Sec. 9. The Directors of said Company shall have power to make all needful rules and regulations, and by-laws touching the business of said Company, and determine how said improvement, or any part thereof, shall be built, shall regulate the amount of tolls and the manner of collecting the same.

How dissolved. Sec. 10. The said Corporation may be dissolved by a vote of two-thirds of the Stockholders, and the said Directors shall make such by-laws as may be thought proper to govern said Company in closing up the affairs of the same in case of a dissolution.

Limitation as to tolls. Sec. 11. The said Company shall not be entitled to collect any tolls upon lumber, timber, logs, shingles, lath boats, scows, barges or other vessels, which shall pass over or through all, or any of the improvements made by them or their successors or assigns, until the said Company shall have expended the full sum of five thousand dollars upon the said improvement, or some part of said improvement, and made substantial improvements affording increased facilities of navigation of said river, and no

greater tolls shall be levied than are reasonable in consequence of such increased facilities of navigation.

Sec. 12. This Act is hereby declared to be a public Act, and shall be favorably construed, and printed copies thereof shall be received in evidence as proof of the provisions therein contained, in any of the Courts of this State: Provided the same shall not be in force until all of the persons named in the first section of this Act, or their legal representatives shall sign and cause to be recorded in the office of the Register of Deeds for Portage county, a certificate of their assent to the exercise of the powers and provisions of this Act, and if such assent be not given within one year, and said Company shall not within the same time commence said improvement, and expend therein one thousand dollars, this Act shall be void. Declared a public act.
Proviso.

Sec. 13. Nothing in this Act shall be so construed as to infringe upon any rights of Henry Clinton and Eliphalet S. Miner, or their assigns, granted to them by the Territorial Legislature of Wisconsin, in 1847, and amended by an Act of the State Legislature, in 1851.

Sec. 14. This act may be altered, amended or repealed by any future Legislature.

Approved, February 19, 1853.

An Act amendatory of an act to amend an act entitled "An Act to incorporate the Madison and Oconomowoc Plank Road Company."

Chap. 31.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Company organized under the amendatory Act entitled "An Act to incorporate the Madison and Oconomowoc Plank Road Company," shall have the right to locate and construct a double or single track Plank or Turnpike road between the points mentioned in said "Act to amend an act entitled an act to incorporate the Madison and Oconomowoc Plank Road Company," or any part of said distance. May construct a double and single track.

Sec. 2. That Section eight of an act entitled "An Act to incorporate the Madison and Oconomowoc Plank Road Company," approved March 11th, 1848, is hereby repealed. Sections repealed.

Sec. 3. That Section five of an act entitled "An Act to amend an act entitled an act to incorporate the Madison and Oconomowoc Plank Road Company," approved February 7th, 1850, is hereby repealed.

Sec. 4. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Sec. 5. This Act shall take effect and be in force after its passage.

Approved, February 19, 1853.

An Act to amend an act entitled "An Act to amend an act entitled an act to consolidate and amend the act to incorporate the city of Milwaukee and the several acts amendatory thereof," approved February 20th, 1852. Approved February 18, 1853.

Chap. 32.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Notice dispensed with.

SECTION 1. The notice required by Section 1, of Chapter two, of Chapter fifty-six of the Session Laws of 1852, so far as it relates to the election of the city Comptroller, city Attorney and Railroad Commissioner, is hereby dispensed with for the election to be held on the first Tuesday of March, 1853.

Sec. 2. This Act shall take effect from and after its passage.

Approved, February 21, 1853.

An Act to change the name of Edwin Clifford Rowlett and Clarie Alicia Rowlett.

Chap. 33.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Names changed.

SECTION 1. That the name of Edwin Clifford Rowlett shall hereafter be Edwin Elifford Towslee, and the name of Claire Alicia Rowlett shall hereafter be Claire Alicia Towslee, by which names the said persons shall be called and known to all legal intents and purposes.

Sec. 2. The said persons whose names are thus changed by Section first of this Act, shall be the children and heirs at law of Henry B. Towslee and Frances G. Towslee, his wife, of Kenosha, Wisconsin, and the obligations of child to parent and parent to child shall pertain as fully between the parties herein named as is the case of natural parentage and descent.

Sec. 3. This Act shall not take effect or be in force until the said Henry B. Towslee shall by an instrument in writing, under his hand and seal, irrevocably accept this Act and cause the same to be recorded in the office of Register of Deeds of Kenosha county.

Approved, February 23, 1853.

An Act to organize a certain Town therein named.

The people of the Soate of Wisconsin, represented in Chap. 34.
Senate and Assembly, do enact as follows:

SECTION 1. That Township Number sixteen, North of Range Number nine East, in Marquette county, be and the same hereby is set apart and organized as a separate Township, under and by the name of Harris, and the first town meeting in said Town shall be held at the house of Stephen Miller.

Sec. 2. This Act shall take effect from and after its passage.

Approved, February 23, 1853.

An Act to legalize the assessment and collection of taxes in the town of Marcellon in the county of Columbia.

Chap. 35.

The people of the State of Wisconsin, represented in
Senate and Assembly, do enact as follows:

SECTION 1. The Tax List of the town of Marcellon in the county of Columbia, for the year eighteen hundred and fifty-one, is hereby declared to be legal and valid to all intents and purposes.

Sec. 2. This Act shall take effect and be in force from and after its passage.

Approved, February 23, 1853.

An Act to authorize the construction of a Toll Bridge across Fox River in the town of Moundville, Marquette county.

Chap. 36.

The people of the State of Wisconsin, represented in
Senate and Assembly, do enact as follows:

SECTION 1. That Thomas Moss, his associates and as- Where loca-
signs, be and he is hereby authorized and empowered to ted.
build and maintain a Bridge across Fox River, in Section
Number twenty-six, in Township Number fourteen, North
of Range Number nine East, in Marquette county, at such
point on said Section as he may deem advisable.

Sec. 2. Said Bridge shall not be less than twelve feet Size of bridge.
wide, and shall contain a draw of sufficient width to pass
and re-pass all boats and water crafts, free of charge and
expense, and without unnecessary delay.

Sec. 3. The said person herein named, his associates Regulation of
and assigns, shall have power after the completion of said of tolls.
Bridge, to demand and collect tolls for passing the same
as follows:—For every vehicle drawn by one horse or

Proviso.

mule, ten cents; for every vehicle drawn by two horses oxen or mules, twelve and one half cents; for all animals, in droves, one cent each; *Provided*, That hogs and sheep shall only be charged at the rate of ten cents per score.

Sec. 4. This Act shall take effect from and after its passage.

Approved, February 23, 1853.

An Act to establish the Fox Lake Academy.

Chap. 37.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Incorporated.

SECTION 1. Warren K. Hopkins, George Knowles, John L. Brower, Manderville Burgit, George W. Brower, Levi Empire, Bernard German, Miner Porter, William E. Smith and David D. Thomas, and their associates, together with such other persons as may hereafter be associated with them, be and are hereby created a body corporate and politic, with perpetual succession, to be styled by the name and title of the Fox Lake Academy, by which name they and their successors shall be for ever known; and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended, in all Courts of Law and Equity; said Corporation shall have a common seal, and shall have power to acquire, purchase, use, receive, possess, hold and enjoy property, real and personal, and to sell and convey the same, rent, or otherwise lawfully dispose of at pleasure.

Powers of the Corporation.

Stock how divided.

Sec. 2. The Stock of said Company shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said Corporation in such manner as shall be directed by the by-laws of said Corporation.

Meetings how called.

Sec. 3. Any three of the above named persons shall have power to call a meeting of said Association, by giving ten days notice thereof, by posting up notices in at least three public places in the village of Fox Lake, where said Corporation is hereby located.

Trustees how elected.

Sec. 4. At the first legally notified meeting, the Stockholders shall have power to elect by ballot nine Trustees, who shall be Stockholders in said Company; three of whom shall be elected for one year, and three for two years, and three for three years. And after the first election, the three trustees may be elected by the stockholders annually; provided, always, that all Trustees shall hold their offices until others are elected in their place.

Sec. 5. At all elections and meetings of said Company, each Stockholder shall be entitled to one vote for each share owned by him. Each share of stock entitled to one vote.

Sec. 6. The Trustees shall have power, *First*, to elect from their number a President, Secretary and Treasurer; also, to elect all other subordinate officers of the Corporation. *Second*. To call special meetings of the Stockholders, to fill vacancies in the Board of Trustees. *Third*. To sell, lease, mortgage, or otherwise dispose of any real or personal property of said Corporation, in such manner as shall be directed by the Stockholders; also, to erect and to keep in repair, all necessary buildings for the use of said Corporation. *Fourth*. To employ suitable teachers, and prescribe and direct the course of study and discipline to be observed in said Academy. *Fifth*. To prescribe the duties and fix the salaries of all the officers of said Corporation, and to remove and suspend them from office for incapacity, immoral conduct, or misbehavior in office, and to appoint others in their place. *Sixth*. To make all such regulations and by-laws necessary and proper to carry into effect the powers herein granted, and not inconsistent with the Constitution and Laws of this State. Powers of trustees.

Approved, February 23, 1853.

An Act to incorporate the Sheboygan College.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 38.

SECTION 1. That Asahel P. Lyman, L. W. Davis, J. J. Brown, Henry W. Conklin, Huntington Lyman, Joseph L. More, James Mc M. Shafter, Wm. R. Gorsline, Johnathan F. Seely, Joseph F. Kirkland, P. Work, Charles E. Morris and David Taylor, and their successors be, and they are hereby created a body corporate and politic for educational purposes in perpetual succession, by the name and style of the Board of Trustees of the Sheboygan College, and by that name they and their successors shall forever be known, and have perpetual succession, with full power to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended in all Courts of Law and Equity, in all actions, suits, causes and complaints whatsoever, to acquire, purchase, receive, hold and convey property, real, personal and mixed, for the use and benefit of said Corporation, not exceeding in amount the sum of one hundred thousand Incorporated.
Powers of the corporation.

Property limitation.

dollars, to have and use a common seal, to alter and renew the same at pleasure, and to adopt from time to time such by-laws not inconsistent with the Constitution and Laws of the United States or of the State of Wisconsin, as they may deem necessary for the government of said Institution.

Location and plan of college.

Sec. 2. The College shall be located in or near the village of Sheboygan, and may be erected on a plan sufficiently extensive to afford instruction in literature, the sciences and the arts, in the theory and practice of elementary instruction, and in any or all of the liberal professions, in such manner and at such times as the Board of Trustees may deem practicable and desirable.

Board of trustees and their powers.

Sec. 3. That there shall at all times be thirteen Trustees of said Corporation, and the persons mentioned in the first section of this Act, are hereby constituted the first Board of Trustees of said Corporation. The said Board of Trustees and their successors shall have power to fill all vacancies which may occur in their body by death, resignation, or otherwise, and a refusal or neglect to act by any Trustee for one year, may be construed into a resignation. A majority of said Board of Trustees shall constitute a quorum for the transaction of business. The said Board of Trustees and their successors, shall forever hereafter have power and authority to direct and prescribe the course of study and discipline in said College; to appoint an Executive Committee, consisting of the President, Secretary, Treasurer, and four of the Trustees, for the transaction of all ordinary business under the direction of the by-laws, and subject to the approval of the Board of Trustees, to elect by ballot and inaugurate a Board of Instruction, consisting of a President, who shall be a member of the Board of Trustees *ex-officio*, the requisite number of Professors and Tutors, and such other officers as the said Board of Trustees shall deem proper, all of whom shall hold their offices during the pleasure of said Trustees; and also to confer and grant such literary honors and degrees as are usually granted by Universities, Colleges or Seminaries of learning in the United States; and in testimony of such grants, to give suitable diplomas under their seal, which diploma shall entitle the possessor thereof to the immunities and privileges which, by usage or statute, are allowed to the possessor of similar diplomas granted by Universities, Colleges and Seminaries of learning.

Sec. 4. That the Board of Trustees shall hold their first

meeting at such time and place in the village of Sheboygan, as a majority of the Trustees shall designate, within three months after the passage of this Act, and the said Board may thereafter meet on their own adjournment, and a meeting of said Board may be called at any time by the President, in concurrence with any two Trustees, or by the concurrence of any four of the Trustees, giving in all cases ten days notice of such meeting. First meeting of board.

Sec. 5. All funds and property received by the said Board of Trustees, by gift or otherwise, shall be faithfully applied, according to the best of their judgment, for the benefit of the College, in purchasing grounds, erecting buildings, procuring library and apparatus, creating endowments for the support of Professors, and in paying the salaries of agents, officers and teachers of said College: Provided that any donations or bequests made for particular purposes in accordance with the design of the Corporation, shall be applied according to the wishes of the donors. Funds and property how disposed of.
Proviso.

Sec. 6. The library, apparatus, cabinet and lands of the College, not to exceed forty acres, shall be exempt from taxation: Provided that lands exempt from taxation, by the provisions of this Act, shall not be used for any other than college purposes. Property exemption.
Proviso.

Sec. 7. This Act shall take effect and be in force from and after its passage.

Approved, February 28, 1853.

An Act to appoint Commissioners to lay out a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 39.

SECTION 1. Erastus Reach, Rial Wilson, Samuel Rathbon, Patrick Mulcarns and John W. Seeley, be and are hereby appointed Commissioners to lay out and establish a State Road, commencing at the village of Green Bush in the county of Sheboygan, and running to the village of West Bend in Washington county. Route.

Sec. 2. Such Commissioners shall be entitled to such compensation for laying out said Road as the Boards of Supervisors in each of the above named counties in which said Road shall be laid, may deem sufficient; *Provided*, That no money shall be paid out of the State Treasury therefor, and provided, that any three of said Commissioners shall form a quorum for business. Compensation of commissioners.

Approved, February 28, 1853.

An Act to incorporate the Michigan and Wisconsin Transit Railroad Company.

Chap. 40.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Incorporated. SECTION 1. Morgan L. Drake, Alfred Williams, William M. Fenton, John H. Harman, Alfred J. Boss, Chas. A. Trowbridge, John P. Leroy, Henry H. Brown, Joseph G. Farr, Porter Kibbe, Jefferson G. Thurber Charles C. Trowbridge, Perry P. Smith, Charles Eslinger, Peleg Glover, Edward B. Buckley, George Reed and William C. Dusenbury, and such other persons as shall associate with them for that purpose, are hereby made and constituted a body corporate and politic by the name and style of the "Wisconsin Transit" Railroad Company with perpetual succession; and by that name shall be capable in law of taking, purchasing, holding, leasing and conveying estates and property, whether real, personal, or mixed, so far as the same may be necessary for the purposes hereafter mentioned, and no further; and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and may have and exercise all the powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this Act, as the same are hereinafter set forth.

Powers of incorporation.

Capital stock, and how divided. Sec. 2. The capital stock of said Company shall be six millions of dollars, with the privilege to the Stockholders of increasing the same, as they may deem advisable, to a sum not exceeding fifteen millions, to be divided into shares of one hundred dollars each, which shares shall be transferable on the books of said Company in such manner as the by-laws shall direct.

Directors shall elect a president. Sec. 3. Morgan L. Drake, Alfred Williams, John H. Harman, William M. Fenton, Charles C. Trowbridge, Jefferson G. Thurber, Peleg Glover, George Reed, Edward B. Bulkley, William C. Dusenbury and Charles Eslinger, shall be the first Directors of said Michigan and Wisconsin Transit Railroad Company, and at their first meeting they shall elect by ballot one of their number to be President, a majority of whom shall be competent to manage the affairs of said Company; such first meeting shall be held at a time and place to be fixed by a written agreement to be signed by all of said Directors; or at a time and place designated by a notice to be signed by a majority of said Directors, and published in a daily newspaper published in the county of Milwaukee, and also in

a daily newspaper published in the city of Detroit, at least eight successive weeks next preceding the time for such meeting.

Sec. 4. The Directors of said Company may open books to receive subscriptions to the capital stock of said Company, at such times and places as they may appoint, and shall receive such subscriptions under such regulations as they may adopt for that purpose; and said Company may commence business whenever two hundred thousand dollars of said stock shall have been subscribed, and five per cent. thereon actually paid in.

When books to be opened.

When company may commence business.

Sec. 5. To continue the succession of President and Directors, nine Directors shall be chosen by the Stockholders annually, on the second Monday in June, at such place in this State as may be appointed by the Directors, one of whom shall be elected President, in the manner prescribed in the next preceding section; and no person shall be competent to act as a Director who is not a Stockholder; and if any vacancy shall occur by death, resignation, or otherwise, of any President or Director, such vacancy may be filled by the Directors of said Company, or a majority of them; the Directors of said Company shall hold their offices until a new election of Directors. On all occasions when a vote of the Stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself or by proxy.

Nine directors to be chosen.

Vacancies how filled.

Sec. 6. In case it shall at any time happen that an election of Directors shall not be made on any day when, pursuant to this Act, it ought to have been made, the Corporation shall not for that cause be dissolved, but such election may be subsequently made, and the Directors previously chosen shall hold their office until such election shall be made.

Directors to hold office till others are elected.

Sec. 7. A general meeting of the Stockholders of said Company shall be holden annually at the time and place appointed for the election of Directors; and a meeting may be called at any other time by the Directors, or by the Stockholders owning not less than one-fourth of the stock, by giving thirty days public notice of the time and place of such meeting in a newspaper printed in the county of Manitowoc, and by sending a notice to each of the stockholders by mail, except in cases where there residence is unknown; evidence of such notice may be perpetuated by the affidavits of any person having knowledge of the facts; and when any such meet-

General meeting of stockholders to be held annually.

When meeting may be adjourned from day to day. ing is called by the Stockholders, the particular object of such call shall be stated. If at any meeting thus called the Stockholders holding the majority of the Stock, are not present in person or by proxy, such meeting shall be adjourned from day to day not exceeding three days, without transacting any business; and if, within said three days, Stockholders having a majority of the Stock do not attend in person or by proxy, the said meeting shall be dissolved.

Route of the road.

Sec. 8. The said Company, hereby incorporated, shall have power and authority to locate, and from time to time to alter, change and re-locate, so as not to materially change the route, construct and re-construct and fully to finish, perfect, and maintain a Railroad with one or more tracks, from some suitable point, at or near the shore of Lake Michigan, in the town of Manitowoc, to some point on the north line of this State, east of the Lake of the Desert, and with the assent of the State of Michigan, to some suitable place on Kewana point, in the county of Houghton, in said State of Michigan; and also, a branch of the same, with like assent, running to some point at or near the mouth of the Outonagon River, on Lake Superior; and also a branch thereof to some point at or near Iron Bay, on said Lake; and to transport, take and carry property and persons upon said Railroad or branch, or any part thereof, by power and force of steam or of animals or of any mechanical or other powers, or any combination of them.

Width of road.

Sec. 9. For the purpose of constructing said Railroad or way, said Company shall have authority and power to lay out, designate and establish their Road, in width not exceeding one hundred feet through the entire line thereof, and may take, have and appropriate to their use such lands so designated for the line or construction of said Road; and for the purpose of cuttings and embankments, and for the obtaining of the stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction and security of said Road; and for constructing shops, depots, wharfs, and other proper, suitable and convenient fixtures, in connection and as appurtenances to said Road, may take, have, use and occupy any lands on either side of or adjacent to said Railroad, which may be required for the convenience of said Company; the said Company taking and holding all such lands as gifts or by purchasing or making satisfaction for the same in manner hereinafter provided; and said

Privileges of the company.

Company may receive, hold or dispose of all or any lands or property that may be by any means given, granted or transferred to said Company, to aid them in construction of their said Road or its appurtenances.

Sec. 10. The said Company, and under their direction, their agents, servants and workmen, are hereby authorized and empowered to enter upon the lands and grounds of the State, or of any person or persons, bodies politic or corporate, and to survey and take such lands of the same, or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said Road, with one or more sets of tracks or rails, and for all the purposes connected with said Road, for which the said Company, by the last preceding Section, is authorized to take, have or appropriate any lands; and to cut down, fell and burn all timber and other trees—fruit and ornamental trees excepted—standing or being within one hundred feet on each side of said line of said Railroad. The damages occasioned by felling or burning of trees, unless otherwise settled, to be assessed and paid for in manner hereinafter provided for assessing and paying damages for land taken for the use of said Company, and also to make, build, erect and set up, in and upon the route of said Railroad or upon the land adjoining or near the same, all such works, ways, roads and conveniences as may be requisite and convenient for said Railroad; and also from time to time, to alter, repair, amend, widen or enlarge the same, or any of the conveniences above mentioned, as well as for the carrying, conveying or storage of goods, commodities, timber or other things, to or upon said Railroad; as for carrying or conveying all manner of materials necessary for making, erecting, finishing, altering, repairing, amending, widening or enlarging the works of or connected with said rail road, and to contract or agree with the owner or owners thereof, for earth, timber, gravel, stone or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said Road, or any of its works or appurtenances; and also to make, repair, maintain and alter any fences or passages, over, under or across said Railroad, or which shall communicate therewith, and to construct, erect and keep in repair, any piers, arches or other works, in upon and across any rivers or brooks, for making, using or maintaining the said Railroad and side paths, and also to construct, make, and do all other matters and things which may be necessary and convenient for making, effecting and preserving, improveing, completing and using

May enter upon lands.

Damages to be settled.

Further powers of the company.

the said Railroad, in pursuance of and within the true intent and meaning of this Act. The said Company doing as little damage as possible in the execution of the several powers herein granted; and first making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments, before appropriating the same to the use and purposes of said Company.

May receive
grants of land.

May contract
for materials.

Proceedings
when owner of
land is a feme
covert or non
compos mentis

Notice to be
given of appli-
cation to court,
&c.

Sec. 11. The said Company shall have power and authority to receive, take and hold, and dispose of all such voluntary grants and donations of land and real estate, for the purposes of said Railroad, as may or shall be made to said Company to aid in the construction, maintenance and accommodation of said Road and the business thereof; and the said Company may contract and agree with the owners or occupiers of any lands upon which the said Company may wish to construct the said Railroad or way, or which said Company may wish to occupy for the purpose of excavation or of procuring stone, sand, earth or other materials, to be used in embankments or in or about the construction, repair or enjoyment of said Railroad, or which the said Company may wish to use or occupy in any manner, or for any purpose or purposes connected with said Railroad, for which the said Company is authorized or empowered by this Act to take, have or appropriate any lands, and to receive and take greats and conveyances of any or all such lands, and of any or all interests or estates therein, to them and their assigns in fee or otherwise; and in case the said Company cannot agree with the owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owner or occupier thereof; or if the owners or occupiers, or either of them, be a *Femme Covert*, under age, *non-compos mentis*, unknown, or out of the county in which the land or property wanted may lie or be situated, application may be made to the Circuit Court, Commissioner or County Judge in and for said county in which the lands are situate, or to a Judge of the Supreme or District Court for an assessment and inquisition as hereinafter provided.

Sec. 12. Previous notice of such application shall be given to the owner or occupier of the land to be taken either by personal service of such notice at least three days before making such application, or by a public advertisement for three weeks previous to such application, in some newspaper published in the same county, if there

be one, and if there be none so published in said county then such notice to be published in that county which is nearest to the county where such lands are situate, and in which a paper shall be published; such notice shall describe the land proposed to be taken by the Company, or touching which damages are to be assessed, by the section and quarter section, or if in a city or village, by the section block or number of lot, or by some other suitable and proper description; and any irregularity or defect touching such notice shall be taken advantage of in showing cause against the confirmation of the assessment or inquisition of damages had or found, and not otherwise; evidence of the giving or publication of such notice may be perpetuated by an affidavit made by the person who served the same, and also by the printer or publisher of the newspaper in which such notice was published, or by some person or persons, knowing the fact of such service, or publication; such affidavit when made within three months after the last publication of such notice, shall be *prima facie* evidence of the facts therein set forth.

Nature of the notice.

Sec. 13. The officer to whom such application shall be made shall thereupon issue his warrant, directed to the sheriff of said county, or if the sheriff be interested, to the coroner, or some other disinterested person, requiring him to summon twelve freeholders of the county, not in any way interested in the matter, or related to the parties, to meet on or near the premises, property or materials to be valued, on a day named in such warrant, not less than five or more than ten days after issuing the same; and if, at the same time and place, any of the persons summoned do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary with the persons in attendance to act as jurors; and from these each party, his, her, or their agent or attorney, or if either of them be not present in person or by agent or attorney, the sheriff or summoner for him, her or them may strike off three jurors, and the remainder shall act as a jury of inquest of damages; and before they act as such the sheriff or summoner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owner or owners have sustained or will sustain, as the case may be, by the use or occupation of the premises, property or materials required by said Company; and the said jury shall thereupon proceed to hear the parties and to make an inquisition, and they shall reduce their inquisition to writing, and sign and

Twelve disinterested freeholders to be summoned to value land or other property taken.

Each party may strike off three jurors.

seal the same; and it shall be sent to the Clerk of the county, and by him filed in his office, and shall be confirmed by the Court of Record, whose Session shall first next ensue in said county having the common law jurisdiction, if no sufficient cause be shown to the contrary; and when confirmed the same shall be recorded by said Clerk at the expense of said Company; but if set aside said Court may direct another inquisition in manner above specified, or said Company may at its option proceed *de novo*; such valuation, when paid or tendered to the owner or occupier of said property, his, her or their legal representatives shall entitle said Company to the estate and interest to the same, thus valued, as fully as if it had been conveyed by the owner or owners thereof for such term of time as said Company shall use or occupy the same for the purposes of said Company; and if the valuation be not received when tendered, it may at any time thereafter be received from said Company without cost.

The company to have possession of property upon paying said valuation.

Sec. 14. In case the party entitled to receive such money shall not appear before the jury which makes the inquisition, and make claim to said land, premises, materials or property, or shall not appear to demand or receive the money assessed as the valuation in any such inquisition, then a deposit thereof with the Clerk of said county shall be equivalent to payment or tender thereof to the person entitled to receive the same; and in case said Court shall have any doubt as to the person or persons entitled to receive the same, he shall abide by the order and direction of the Court confirming said inquisition, in relation thereto; and such inquisition when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said Company, in favor of the person entitled to receive said damages, at the expiration of sixty days from the time of such confirmation, unless prior thereto, said Company shall have satisfied the damages assessed or found by such inquisition in manner aforesaid.

When party to receive money does not appear it may be deposited with the clerk of the county.

Sec. 15. If at any time it shall by any means happen that said Company shall be in the possession or occupancy of any lands or premises, or in the use and enjoyment of any stone, gravel, materials or properties, the title to which, or the full right of the use and enjoyment of thereof, for the purposes of said Company in manner aforesaid, shall not have been duly relinquished to or vested in said Company. then, and in all such cases, the said Company

Company may acquire possession of lands already occupied by them.

may acquire such title or right of the use and enjoyment by voluntary grants thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed, to be made in manner and form above prescribed. And in all cases of inquisition the officer issuing such warrant and the summoner and jurymen acting under this Act, shall receive such compensation for their travel and services as may be fixed by the Court confirming said inquisition, unless they can otherwise agree with said Company.

Compensation of officer issuing warrant.

Sec. 16. Whenever in the construction of the said Road it shall be necessary to cross or intersect any established road, it shall be the duty of said President and Directors so to construct the said Railroad across said established road as not to impede the passage or transportation of persons along the same; or when it shall be necessary to construct it through the land of any individual, it shall be their duty to provide and keep in repair for such individual, proper wagon ways across said road, from one part of his land to another.

Road of company not to obstruct other thoroughfares.

Sec. 17. If said Company shall neglect to provide and keep in repair proper wagon ways across said road as required by this Act, it shall be lawful for any individual to sue said Company, and he shall be entitled to such damages as a Court or Jury may think him or her entitled to for such neglect or refusal on the part of said Company.

Damages for not maintaining proper wagon ways across said road.

Sec. 18. If it shall be necessary for the said Railroad Company in the selection of the route or the construction of said Railroad, or any part of it, to connect the same with any Railroad, Canal, Dam, Bridge or Road, made or erected by any incorporated Company, or authorized by any law of this State or by the State of Michigan, in case that State shall assent to this Act, it shall be lawful for the said Company to contract with such other incorporation for the right to cross or use such Road, Canal, Dam or Bridge, or for the transfer of the Corporate or other rights and privileges of such Corporation, to the said Company hereby incorporated, as may be necessary in that respect; and every such other Corporation acting under the laws of this State or of the State of Michigan, in case of such assent, is hereby authorized to make such contract or transfer by or through the agency of the persons authorized by the respective Acts of incorporation, to exercise the corporate power, or any of the rights and privileges aforesaid; and every contract or transfer made in pursuance of the power and authority hereby granted,

Provision for connecting with other roads, canals, &c.

when executed by the respective parties under their respective corporate seals, shall vest in the Company hereby incorporated, all such rights and privileges, and the right to use and enjoy the same as fully as they are or may be enjoyed by the said Corporation in whom they were originally invested.

May place vehicles upon the road, and establish tolls.

Sec. 19. The said Company shall have power to purchase or contract for, construct and obtain, and place on any Railroad constructed by them under this Act, all machines, wagons, carriages or vehicles of any description, which they may deem necessary and proper for the purposes of transportation on said Railroad, and shall have power to charge for tolls and transportation on said Railroad, and for storage, such sums as shall be lawfully established by the By-laws of said Company; and it shall not be lawful for any other Company, or any other person or persons, to transmit any passenger or merchandize, or property of any description whatever, upon said Railroad or any part thereof, without the license or permission of said Company: and said Company may connect themselves with any other person or persons in the business of transportation of persons or property upon mutual agreement; and the Railroad with all its improvements, buildings, edifices, depots, warehouses, wharfs, machine shops, works and profits, and all and every the machinery thereof, and the appurtenances thereto, connected with said Railroad, shall be vested in said Company forever; and the shares of the Capitol Stock of said Company shall be considered personal property, and subject to be taken in execution, agreeably to such laws as are or may be hereafter in force.

Shares of stock may be taken in execution.

May build side-walks.

Sec. 20. When said Company shall deem it necessary for the convenience of the public, or persons receiving or sending property by said Railroad, said Company may permit side tracks to intersect their main road at any depot or other place on or along the line of said road; and such persons shall be entitled to have any property taken from said side tracks, under the directions and regulations of said Company, without unreasonable delay.

May construct their road by or across any water course, road, &c.

Sec. 21. Whenever it shall be necessary for the construction of their Railroad to intersect or cross or run along by or upon any stream of water or water course, or road, or highway, lying on the route of said Railroad, it shall and may be lawful for the Company to construct their Railroad across or along by or upon the same; *Provided*, That the Company shall restore the stream or water course,

road or highway to its usefulness, so far as can be conveniently done.

Sec. 22. The said Company shall have full power and authority to ask for, demand, recover and take the tolls or dues, to and for their own proper use and benefit on goods, merchandize, property and passengers using or occupying the said Railroad depots, wharfs, or other convenience, erection, or improvement, built, occupied or owned by said Railroad Company to be used therewith; and they shall have power to regulate the time and manner in which goods, property, merchandize or persons shall be taken, transported and carried on the same as well as the manner of collecting all tolls and dues on account of transportation, carriage or storage, and have full power to erect and maintain such toll-houses and other buildings for the accommodation and proper transaction of their business as to them may seem necessary. Said Company may charge and collect a reasonable sum for storage on property transported on said road, on delivery thereof at any of their depots, which property shall have remained so stored more than five days after notice to the owner or consignee, if known, at his usual place of business or residence, or after notice by mail sent to the owner, if the consignee is not known; and said Company shall transport merchandize, property and persons upon said Road without partiality or favor, and with all practicable despatch, under a penalty of each violation of this provision of one hundred dollars, to be recovered by the party aggrieved in an action of debt against said Company. But soldiers, sailors and marines, and officers of the army of this State, and of the State of Michigan, in case she assents to this Act, and officers of the Army and Navy of the United States, and arms, ordinance, military stores, munitions of war and the United States Mail shall take precedence of other persons or property; first, in favor of this State and of the State of Michigan, and second of the United States.

Powers of the company.

Shall not use partiality.

Exceptions.

Sec. 23. The said President and Directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business and for the protection of the property of the Company, and remove them at pleasure; and the said President and Directors, or a majority of them, shall have power to determine the manner and evidence of the transfers of the stock in said

President and directors may appoint officers engineers, &c., and pass by-laws.

Proviso.

Company, and to pass all by-laws which may be necessary for carrying into execution all the power vested in the Company hereby incorporated: Provided such by-laws shall not be contrary to the Constitution or laws of the United States, nor of this State, nor of the State of Michigan in case of such assent; and provided further, that nothing contained in this Act shall extend or be constructed to authorize the said Company to carry on the business of banking, brokerage, dealing in produce or other business except what properly belongs to a Railroad and Transportation Company, as is in this Act provided.

Powers of directors.

Sec. 24. The Directors, or a majority of them, shall have full power to conduct the affairs of said Company, and to exercise any powers which said Company might exercise, subject, however, at all times to such rules, regulations and directions as the Stockholders may adopt at any annual meeting, or special meeting called pursuant to this Act.

When statement of affairs of company to be exhibited.

Sec. 25. At each annual meeting of the Stockholders of said Company, it shall be the duty of the President and Directors in office, to exhibit a clear and distinct statement of the affairs of said Company; and at any meeting of the Stockholders, a majority of those present, in person or by proxy, may require similar statements from the President and Directors, whose duty it shall be to furnish them when thus required; and at all meetings of the Stockholders, held pursuant to this Act, those holding a majority of the Stock subscribed, may remove from office any President or any of the Directors of said Company, and elect other Directors in their stead; provided if such removal shall be made at a special meeting, notice of such intended removal shall be given with the notice of such meeting.

Proviso.

Nett-profits how divided.

Sec. 26. The said Company may annually or semi-annually make such dividend as they may deem proper, of the nett profits, receipts or income of said Company—deducting the necessary expenses, and they shall make a dividend among the Stockholders of said Company in proper proportion to their respective shares, share and share alike.

Directors may require payment of stock.

Sec. 27. It shall be lawful for the Directors to require payment of the sums subscribed to the capital stock of said Company at such times and in such proportions, and on such conditions as they shall deem proper and necessary in the executions and progress of the works of said Company, and direct the same to be paid to the Treasurer or

other officer of the Corporation. And at least thirty days notice shall be given of all such assessments; and in case any subscriber or Stockholder shall neglect to pay an assessment on his share or shares for the space of thirty days after the time in such notice specified for the payment thereof, as shall be prescribed by the by-laws of said Corporation, the Directors may order the Treasurer or other officer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser on the books of the Company, and the delinquent owner of such Stock shall be entitled to the surplus, if his share or shares shall sell for more than the assessments due with interest and costs of sale; Provided, That no assessment shall be laid upon any shares in said Corporation, for a greater amount in the whole than one hundred dollars upon each share; provided further that no more of the Stock of any delinquent Stockholder shall be sold than is necessary for the payment of his delinquency, and provided it shall be competent for the Directors, instead of such sale, to declare such Stock forfeited to the use of said Company, and may dispose of the same as the Stockholders at any meeting held pursuant to this Act may direct.

Notice to be given.

Stock to be sold when assessment not paid.

Proviso.

Sec. 28. The Directors of said Company shall annually, on or before the twenty-fifth day of January, make a report to the Secretary of State and also to the Secretary of State for the State of Michigan, in case that State shall assent to the provisions of this Act, which shall embrace the business of the preceding year to the first day of January, stating the length of their road; including its branches, in operation, cost of construction, and the indebtedness of the Company for materials or work in progress of delivery or execution, on account of construction in this State, and also in the State of Michigan, in case she assents to this Act, as near as can be conveniently ascertained, and all other indebtedness, if any there be; the amount of the Capital Stock subscribed, and the amount actually paid in, and the amount of preferred Stock, if any, and the amount of all loans made by said Company for constructing said road and appurtenances; the nett proceeds invested in the construction and stocking of said road; the amount of dividends; the names of the Stockholders, with the amount of Stock owned by each respectively; the receipts from freight, from passengers and from all other

Annual report to be made--to whom.

sources on account of operating the Road and the business of said Company; the number of through and way passengers respectively; the expenditures for repairs, machinery, cars and appurtenances and other expenditures for operating said road; the number of engines, of passenger, freight and other cars; the average number of men in the employment of the Company; the number of miles run by passenger and freight trains, which report shall be verified by at least two of the Directors or persons having superintendence of the same.

**Road to be
fenced in.**

Sec. 29. The said Company before opening their road through enclosed ground, shall erect such fencing as shall preserve such enclosure entire, and shall before they commence to use their road as a Railroad, erect a good and sufficient fence on both sides of said road through all such enclosed ground, or shall hereafter be enclosed, and shall maintain the same.

Proviso.

Sec. 30. Provided, That nothing in this Act contained shall be so construed as to authorize the taking of any lands or property of the State, without just compensation therefor, nor the taking of any lands or property, except for the general purposes of a Railroad.

**Lien upon the
road for taxes.**

Sec. 31. This State and the State of Michigan, in case she assents to this Act, shall have a lien upon the Railroad of said Company, its appurtenances and Stock thereon, for all penalties, taxes and dues which may respectively accrue to this State and the State of Michigan within the respective jurisdictions thereof from said Company, which shall take precedence of all other debts and demands, judgments and decrees against said Company.

**Lien of individuals upon
the road.**

Sec. 32. Every inhabitant of this State and of the State of Michigan, in case she assents to this Act, shall have a lien upon said Railroad, Stock and appurtenances, and upon the property of said Company, for all penalties, dues and demands against said Company, to the amount of one hundred dollars, originally contracted within this State, or in the State of Michigan, which after said State lien, shall take precedence of all other debts, demands, judgments, decrees, liens, or mortgages against said Railroad Company.

**Company authorized to
loan money.**

Sec. 33. Said Company are hereby authorized to obtain by loan any such sum or sums of money for the purposes of the construction and equipment of their road, and for the establishing the works, depots, wharfs and fixtures thereof, and for other expenditures as may be

deemed necessary, and to secure the payment of the same in such manner as shall be necessary and proper.

Sec. 34. Said Company shall at all times, if required Company to transport mail: by the Post-Office Department, transport the United States mail upon their road, as often as their cars shall pass thereon, not exceeding twice each day, for such compensation as shall be agreed upon by said Company and said Department; and in case no such agreement can be made, it shall be lawful for the Governor of this State to appoint one Commissioner, and the said Company one, and the Post-Office Department one, who shall, or a majority of them, agree and fix the price, terms and conditions of transporting such mail, after fifteen days notice to said Company: Provided, That nothing herein contained shall be construed to require any of the vehicles of Provido. said Company to wait at any office for the change of mail.

Sec. 35. If any person or persons shall within this State wilfully and maliciously do or cause to be done, or aid in doing or causing to be done, any Act or Acts whatever whereby any building, construction, property or work of said Company, or any engine, car, carriage, machine or other structure, or any matter or thing pertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and may be punished, upon conviction, by fine, or by imprisonment, not exceeding seven years, or both, at the discretion of the Court; and shall forfeit and pay to said Corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the Company, with costs of suit by an action of trespass or trespass on the case. Penalties for injuring the road &c.

Sec. 36. The rights, privileges and powers of the said Corporation shall be null and void so far as it regards such part of said road as shall not be put in running order within fifteen years from the time of the passing of this Act. Condition of the charter.

Sec. 37. This Act may be altered or repealed by any future Legislature.

Approved, February 28, 1853.

An Act to provide for the erection of County Buildings in the County of Calumet.

Chap. 41.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Supervisors may levy a tax. SECTION 1. The Board of Supervisors of the County of Calumet shall, at their next annual meeting, levy a tax upon all the real and personal property in said County subject to taxation not exceeding eight mills on the dollar valuation in addition to the ordinary taxes levied in said County for county purposes, to be collected as other county taxes are, for the purpose of building a Court House and County Offices for said County.

To erect court house, &c. Sec. 2. It shall be the duty of said Board of Supervisors to cause to be erected at the County Seat of said County, a suitable and convenient Court House and County Offices, within one year from the passage of this Act; **Proviso.** *Provided*, That the cost of said buildings shall not exceed the sum of two thousand dollars, and provided also, that said building shall be located on such tract of land at Chilton Centre in the town of Charlestown in said county as has been or shall hereafter be donated to said County for such purpose.

Sec. 3. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall take effect and be in force from and after its passage.

Approved, February 28, 1853.

An Act to lay out a certain Road therein named.

Chap. 42.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

To establish state road. SECTION 1. James Preston, Reed C. Brazelton and Daniel D. Wilcox, be, and they are hereby appointed Commissioners, to lay out and establish a State Road from Sheboygan Falls, in the county of Sheboygan, to Mayville, in the county of Dodge, by the way of Cascade and Beechwood, in Sheboygan county, and New Fane, in the county of Fond du Lac: *Provided*, That no part of the expense of laying out said Road shall be paid out of the State Treasury, but by the County Boards of Supervisors of said counties.

Sec. 2. All Acts and parts of acts coming in conflict with the provisions of this Act, are hereby repealed.

Approved, February 28, 1853.

An Act for the relief of Thomas Lynch.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 43.

SECTION 1. The Commissioners of the School and University Lands are hereby authorized and required to make and deliver to Thomas Lynch a new certificate of sale for Lot four (4) in the North-East quarter of Section six (6) in Township two (2) North of Range twelve (12), East, in the county of Rock, being University land, at the appraised value thereof, to wit: five dollars and seventy-five cents per acre.

Sec. 2. The amount already paid as principal, and the excess of interest paid in consequence of the sale of said Lot heretofore at a higher price than the appraised value thereof, shall, on the issuing of such new certificate, be allowed as payment towards the purchase price of the Lot.

Sec. 3. This Act shall take effect and be in force from and after its passage.

Approved, February 28, 1853.

An Act to authorize the Racine and Raymond Plank Road Company, to re-locate their route, or some part thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 44.

SECTION 1. The Racine and Raymond Plank Road Company, are hereby authorized to change or re-locate the route of their Plank Road, where the same shall not have been actually constructed, and for that purpose are hereby authorized to enter upon any lands for the purpose of exploring, surveying, changing, locating, or re-locating the same, doing no unnecessary damage, nor locating any such road through any such orchard or garden, without the consent of the owner thereof, nor through any buildings or any fixtures or erections for the purpose of trade or manufactures, or any yard or inclosures necessary to the enjoyment thereof without permission of the owners, and when the said route shall be determined by the said Company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, to enter upon, take

May re-locate route of plank road.

May enter upon lands.

Shall first make
or tender com-
pensation.

possession of, and use such lands to the width of four rods, upon their first making payment, or tendering payment of such compensation as shall be agreed upon, or as shall be ascertained in the manner hereinafter directed.

Sec. 2. Upon causing a survey and a copy of the resolution of said Company locating, changing or re-locating the route of such Road, or any portion thereof, signed by its President, to be recorded with the Register of Deeds of said county, and in case the said Company, and the owner or owners of such lands cannot agree upon the compensation to be made to such owners, for the damages sustained by them, it shall be the duty of the Commissioners heretofore appointed by the Judge of the Circuit Court of the first Judicial Circuit, upon application by the said Company in writing, signed by its President, to appoint a time and place for the ascertaining, and determining the amount of damages to which any owner of the land may be justly entitled, notice whereof shall be served, not less than ten days previously on the party interested in the lands or damages to be appraised, in such manner as the Commissioners shall in and by their order direct; and on the day, and at the place appointed, they shall proceed to hear the parties, and view the lands to be appraised, and after hearing the proofs and allegations of the parties, they, or a majority of them agreeing, shall make up and sign their award of the damages embracing therein a description of the land in respect to which the same is found and duly acknowledged, and file the same in the office of such Register of Deeds: Provided, That the said Commissioners shall in no case make an award of damages, or other determination until satisfactory proof by affidavit is produced, that such notice has been duly given, and such affidavit shall be attached to, and filed with the award or determination of such Commissioners.

Provided:

Award if not
received where
deposited.

Sec. 3. At any time within forty days after such award or determination, the Company may pay or tender the amount thereof to the owner of such lands at his place of residence, and in case he refuse to receive the same, or in case he be not found at his residence to receive the same, the same may be deposited with the Clerk of the Circuit Court for Racine county, subject to the order of the owner of such lands, and thereupon the said Company, by its officers, agents, engineers, contractors, and their agents may enter upon the lands in respect to which said award was made, and take and hold the same to it and its assigns, so long as it shall be used for the purposes

of such a Road as said Company was formed to construct.

Sec. 4. Either party feeling aggrieved by any such appraisal of land or damages, is authorized to appeal therefrom within thirty days from the time of said appraisal, to the Racine Circuit Court, by a notice in writing to that effect, to be served upon the opposite party: Provided, however, that said appeal shall in no respect whatever effect the right of said Company to enter upon, take, hold and use said lands, for the construction and operation of their said Road; but shall only increase or diminish the amount of compensation, and in case the owner of said lands shall appeal, and the amount of compensation shall not be increased, he shall pay all the costs of said appeal. But in all other cases the said Company shall pay all the costs and expenses of said appraisal. Either party may appeal.

Sec. 5. Whenever the said Company, in pursuance of the provisions of this Act, shall re-locate the route of its said road, across the lands of any person upon which the same has been heretofore located, the said company in case no lands have been heretofore taken and appropriated for the use of said Road, upon the first location thereof, upon paying or tendering the damages ascertained by the provisions of this Act, for the lands to be taken and used upon such re-located route, the same shall not be liable to pay any damages for the said lands, which were not in fact appropriated by said Company.

Sec. 6. This Act shall take effect immediately.

Approved, March 3, 1853.

An Act to incorporate the City of Watertown.

Chap. 45.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first Tuesday in April next, all that district of Country included within the limits and boundaries hereinafter described shall be a City by the name of the City of Watertown, and the people inhabiting said district shall be a Municipal Corporation, and shall have the general powers possessed by Municipal Corporations by common law, and in addition thereto, shall possess the powers hereinafter granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all Courts of Incorporated.

law and equity, and shall have a common seal and may change and alter the same at pleasure.

**Limits of the
city defined.**

Sec. 2. The said City shall contain within its limits the following territory, to wit: Sections three, four, five, eight, nine and ten, in Township Number eight (8), North of Range Number fifteen (15), East, and Sections thirty-two, thirty-three and thirty-four, in Township Number nine (9), North of Range Number fifteen (15), East; and shall be divided into six wards as follows: all that portion of said City bounded on the North by Main street and the Watertown and Milwaukee Plank road, on the East and South by the City limits, and on the West by the channel of Rock River, running in a Southerly direction, shall be the first ward; all that portion of said district bounded on the North by the county line between Jefferson and Dodge counties, on the East by the city limits, on the south by said Main street and Milwaukee and Watertown Plank road, and on the West by said channel of Rock river, shall be the second ward; all that portion of said district bounded on the North by West Avenue street and the Watertown, Portland, Hubbellville and Waterloo Plank Road, on the East by said Channel of Rock river, and on the South and West by the city limits, shall be the third ward; all that portion of said district bounded on the North by said County line, on the East by said Channel of Rock river, on the South by said West Avenue street and the Watertown, Hubbellville, Portland and Waterloo Plank road, and on the West by the city limits, shall be the fourth ward; all of said Section thirty-two and the West half of said Section thirty-three, shall be the fifth ward; and the East half of said Section thirty-three and all of said Section thirty-four, shall be the sixth ward. But the City Council shall have the power to change said ward boundaries as they may deem convenient and proper.

**Government of
the city how
vested.**

Sec. 3. The government of said City and the exercise of its corporate powers and management of its fiscal, prudential and municipal concerns, shall be vested in a Mayor and Council, which Council shall consist of two Aldermen from each ward, actually residing therein, and shall be denominated the "City Council," and also such other officers as are hereinafter provided for.

Elections.

Sec. 4. On the first Tuesday of April next, and annually thereafter, on the day fixed by law for the election of town officers in the several towns in this State, there shall be elected in and for said City, one Mayor, one Marshal, one Clerk, one Superintendent of Schools, one Treasurer,

and one Assessor, by general ticket, and at the same time, in each of said wards by the electors thereof, two Aldermen and one Constable, who shall each hold their offices for one year and until their successors are elected and qualified. There shall also be elected on the first Tuesday of April next by the electors of each ward, one Justice of the Peace, with the like civil and criminal jurisdiction within the limits of said City, and also within the county in which they may respectively be elected as Justice of the Peace in the several towns. Said Justices shall also have original jurisdiction of all complaints and actions for violation of City ordinances, in which the penalty shall not exceed the sum of one hundred dollars, and whose term of office shall be determined in like manner as Justices of the several towns at the first election under the revised statutes, except that they shall meet in City Clerks Office, and the Justices elected by the first and second wards, shall draw lots together, and those elected by the third and fourth wards together, and those elected by the fifth and sixth wards together, for the purpose of determining their respective terms of office; the City Clerk shall conduct such drawing in place of the Town Clerk, preparing two ballots instead of four; and annually thereafter there shall be elected in said City three Justices of the Peace who shall hold their offices for two years respectively. There shall also be elected on the first Tuesday of April in each year, by the qualified electors of the first and second wards, one Supervisor, and in like manner by the qualified electors of the third and fourth wards, one Supervisor to represent said City in the Board of Supervisors of Jefferson county, and in like manner by the qualified electors of the fifth and sixth wards one Supervisor to represent the said City in the Board of Supervisors of Dodge county, in the same manner and with like powers as the several towns are represented.

Jurisdiction of
Justices.

Sec. 5. The first election of City officers under this Act, shall be holden at such places in each ward, as the "President and Trustees" of the village of Watertown may appoint. The electors present at each of said places of holding the election, shall choose three electors of the respective ward, inspectors of the election, who shall perform all the duties and be governed by like rules and regulations as are prescribed for inspection of town elections; and annually thereafter, the Aldermen of the respective wards, and some person to be selected by them, shall perform the duties of inspectors of the election, and in case of the ab-

Mode of con-
ducting elec-
tions.

sence or inability to serve, of either or both of the Aldermen, in any ward, the Mayor shall appoint some proper person or persons to act as such inspectors. The said inspectors in each ward, shall, within five days thereafter, make a full and faithful return of the votes cast at the election and file the same in the office of the City Clerk.

**Qualifications
of mayor and
aldermen.**

Sec. 6. The Mayor and Aldermen must be freeholders within the City limits, and each of the Aldermen must reside within the ward for which they were elected, and all other officers elected by virtue of this Act must be residents of the ward for which they were elected; and no person shall hold any office either by election or appointment, unless he is a qualified elector agreeable to the laws of this State. The City Treasurer before entering upon the duties of his office, shall execute to the City Council a bond, in such penal sum as said Council may direct, with two or more sureties, to be by them approved, for the safe keeping and disbursement of all moneys coming into his hands as such Treasurer, and also for the faithful performance of his official duties. And each Justice of the Peace, Superintendent and Constable, elected by virtue hereof, before entering upon the duties of their offices shall execute such bonds as are prescribed by law for said officers in towns, which bonds shall also be approved by said Council; and the Marshal elected by virtue hereof, shall also be required to give bonds with such sureties and in such sum as said Council shall determine; and all officers elected or appointed by virtue hereof, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation to support the Constitution of the United States and of the State of Wisconsin, and faithfully to perform the duties of their respective offices, which oath or affirmation, together with all official bonds, shall be filed in the Clerk's Office, except those of Justices of the Peace, which shall be filed in the office of the Clerk of the Court of the counties of Jefferson and Dodge.

**What officers
to execute
bonds.**

**Powers of the
mayor.**

Sec. 7. The Mayor shall be the Chief Executive officer and head of the Police of the city. It shall be his duty to recommend in writing to the city Council, such measures as he may deem expedient; he shall keep the seal of said city, sign all commissions, licenses and permits which may be granted by the city Council, he shall endeavor to maintain peace and good order, and see that the laws of the State and Ordinances of the city are observed and executed, he shall have the power to administer oaths or affirmations, and to take and certify acknowl-

edgment of Deeds and other instruments in writing; as a judicial officer he shall have power, and by giving the Bonds required by Law, may exercise the jurisdiction of Justice of the Peace, and to prevent or suppress riot or other public disturbance, he may appoint as many special constables as he may deem proper.

Sec. 8. The members of the city Council shall, on the first Monday after their election, or as soon thereafter as may be practicable, assemble and elect from their own body a President to preside in their meetings in the absence of the Mayor; and a majority of all the members shall be a quorum for the transaction of any business; each member shall be entitled to one vote, and the Mayor shall preside at all meetings, if present, and shall have a casting vote and no other. In case of a vacancy in the office of Mayor, or of his being unable to perform the duties of his office by temporary absence or sickness, the President of the city Council shall be vested with all the powers and perform all the duties of Mayor, until the Mayor shall resume his office, or the vacancy be filled by a new election.

President of
the city council.

To act as mayor
or in case of
vacancy.

Sec. 9. The city Council shall have power to preserve order and propriety in its proceedings, and to punish in a summary manner, by fine and imprisonment, all disorderly or disrespectful conduct in its presence; and also to compel by pecuniary penalties the attendance of its members. They shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection of any citizen at all reasonable times and hours, and prescribe the time and fix the place of holding their meetings, which shall at all times be open to the public.

Powers of the
city council.

Sec. 10. The Mayor, each and every Alderman, Marshal or Deputy Marshal, each and every Justice of the Peace, Municipal Judge and Constable of said city, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior, in a manner consistent with the Ordinances of said city or the Laws of this State, within the limits of said city, and for such purposes may command the assistance of all bystanders, and if need be of all citizens and military companies; and if any such bystanders, military officer or private of such Company, shall refuse to aid in maintaining the peace when so required, such person shall forfeit and pay such fine as may be prescribed by Ordinance of the city

Officers of the
peace.

Council, or the Laws of this State in such case made and provided.

**Powers of the
Marshal.**

Sec. 11. The Marshal shall possess all the powers of a Constable of towns, and be subject to the same liabilities, it shall be his duty to execute and return all writs and processes to him directed by the Mayor, and when necessary in criminal cases, or for the violation of any Ordinance of said city or laws of this State, may pursue and serve the same in any part of the State of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offence against any Ordinance of said city, or Laws of this State, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed to Constables for like services. He shall do and perform all such duties as may lawfully be enjoined on him by the Ordinances of said city. He shall have the power to appoint one or more Deputies, to be approved by the city Council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

**Justices and
constables.**

Sec. 12. All the Justices of the Peace and Constables elected by virtue of this Act, shall have and exercise the same powers and duties, and be subject to the same liabilities and regulations as Justices and Constables of towns.

**Superinten-
dent of schools.**

Sec. 13. The Superintendent of Schools shall have and exercise the same powers and duties and be subject to the same liabilities as the Superintendent of Schools in towns, except as herein otherwise provided.

**Duties of the
clerk.**

Sec. 14. The Clerk shall attend the meetings of the city Council, and keep a Record of their proceedings, and also a faithful Record of all the doings and votes of the inhabitants at their regular or special meetings. He shall perform such duties as may be lawfully required of him by the city Council, who shall fix and prescribe his compensation therefor; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as Clerks of towns, and all chattel mortgages so filed, shall be as valid and legal as if the same had been filed in the town Clerk's office of any town. It shall also be his duty to do and perform any act required to be done by Clerks of towns, not inconsistent with the provisions of this Act, and in case of the absence of the Clerk or of

his inability to act, the Common Council may appoint a Clerk to act during such absence or inability, who shall be subject to all of the regulations applicable to the elected Clerk. The records kept by said Clerk shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the Records of the proceedings of the city Council, certified by him under the corporate seal shall be evidence in all Courts and places.

Sec. 15. The Treasurer of said City shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said City or the laws of this State; all moneys raised, received, recovered or collected, by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this Act, or which belongs to said city shall be paid into the city Treasury, and shall not be drawn therefrom except by an order signed by the Mayor or acting Mayor, by order of the city Council, and countersigned or attested by the Clerk. He shall keep an accurate account of all monies or other things coming into his hands as Treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums were received, which book shall at all reasonable hours be open to the inspection of any person having business therewith. He shall as often as the city Council require, render to said Council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all monies, bonds, papers and property in his possession belonging to said city. The said Treasurer shall also be the Collector of taxes, and for this service, except herein otherwise provided, he shall have the same powers and be subject to the same liabilities, be governed by the laws and receive the same compensation as treasurers of towns. Duties of the treasurer.

Sec. 16. The City Council shall have power to enact, establish, publish, alter, modify, amend or repeal and enforce all such rules, by-laws, and ordinances for the government and good order of the city, for the suppression of vice, for the prevention of fires, for the promotion of health, and for the benefit of trade and commerce, as they may deem expedient, declaring and imposing penalties, and to enforce the same, against any person who may violate the provisions of such rules, by-laws, or ordinances as have been duly passed, adopted, and pub- Powers of the city council.

- lished in one or more of the papers printed in said City, for three successive weeks prior to the taking effect thereof; and all such Rules, By-Laws and Ordinances are hereby declared to be, and have the full force of law; *Provided*, That they be not repugnant to the Constitution and Laws of the United States and of this State; and for these purposes they shall have authority by Ordinance or By-Laws,
- Proviso.** 1. To license and regulate taverns, groceries, soleons, victualing houses, and all persons dealing in spirituous or intoxicating liquors, and to license and regulate the exhibitions of common showmen, or showmen of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses or theatrical performances, and to establish the price to be paid in all cases except when they may be fixed by law.
- ay grant licenses.** 2. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing with cards, dice or other games of chance for the purpose of gain, within said city.
- May prohibit gaming.** 3. To prevent any riots, noise, disturbance or disorderly assemblage, to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all implements or devices used for the purpose of gaming.
- Prevent riots.** 4. To compel the owner or occupant of any Grocery, Celler, Tallow Chandler Shop, Soap Factory, Tannery, Stable, Privy, Sewer or other unwholesome or nauseous place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort or convenience of the inhabitants of the city.
- Abate nuisances.** 5. To direct the location and management of all slaughter houses and markets, to regulate the storage and keeping of gun powder and other combustible materials.
- Slaughter houses, &c.** 6. To prevent the encumbering of the streets, side and cross walks, lanes, alleys, or public grounds, with carriages, carts, wagons, sleighs, sleds, boxes, barrels, lumber, fire wood, or other materials or substances whatever.
- Encumbering of streets.** 7. To prevent horse racing or immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the city limits.
- Horse-racing, bathing, &c.** 8. To restrain the running at large of cattle, swine, sheep, horses and poultry, and to authorize the distraining and sale of the same.
- Cattle, &c.** 9. To prevent the running at large of dogs, and to authorize their destruction in a summary manner, when at
- Dogs.**

large contrary to the ordinances, or to impose a tax on the same.

10. To prevent any person from bringing, depositing or having within said city any putrid carcass, or un-wholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons. Putrid carcas-
or meat

11. To make and establish public pounds, pumps, wells, fountains, cisterns, reservoirs, and to provide for the erection of waterworks for the supply of water to the inhabitants of said City, or any ward therein, to erect lamps, and to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen, within the limits of said City. May establish
pounds, pumps
&c.

12. To establish and regulate Boards of health, provide hospitals and cemeteries, and regulate the burial of the dead, and the return of bills of mortality, and to exempt burying grounds and property set apart for public use, from taxation. Boards of
health, ceme-
teries, &c.

13. To procure fire engines, buckets, hooks and ladders and other implements for suppressing fires, to prescribe and regulate the materials of which houses may be built within certain limits, and the manner of erecting chimneys, and to provide for removing chimneys or stove pipes which may be deemed dangerous, at the expense of the owners or occupants thereof; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be exempt from seizure or distress or sale in any manner; to direct a safe construction for the deposit of ashes; to appoint fire wardens, and prescribe their duties and compensation; and generally to make such prudential regulations as may be deemed necessary for the prevention or arresting the progress and extinguishment of fires. Fire depart-
ment.

14. To regulate the building of wharves and bridges and to provide for the security and protection of the same.

15. To prevent all persons from riding or driving any horse or other animal, or leading the same on the side walks of said city, or in any way doing any damage to such side walks.

16. To prevent the shooting of fire arms or crackers, or the exhibition of fire works in every situation which may be considered by the City Council to be dangerous to the oogle

property in said city, or annoying to the inhabitants thereof.

Drunkards.

17. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and provide for arresting, removing, and punishing any person or persons who may be guilty of the same.

18. To regulate the police of the city, to appoint watch men and firemen, prescribe their duties and punish their delinquencies.

19. To regulate the place and manner of weighing hay, of measuring and selling fire wood, lumber, timber, stone, lime and sand, and when necessary, to appoint suitable persons to superintend or inspect the same.

20. To compel the owner or occupant of any building to remove the snow, dirt, or other rubbish from any side walk opposite thereto.

21. To protect trees and monuments in said city.

22. To prevent all persons from depositing in any of the creeks or waters within said city, the carcasses of any animal, or filth of any kind, and to punish for so doing.

23. To prescribe and regulate the manner of draining fountains made by individuals, and the construction of sewers within said city.

24. To prescribe the duties and regulate the compensation of all officers not otherwise provided for, except their own.

25. To lay out, make, open, keep in repair, alter or discontinue, any highways, streets, lanes, alleys and side walks, and bridges, and to keep them from incumbrance, and to protect them from injury.

Lots to be recorded.

26. To cause all out or in lots within said city of less size than ten acres each, that have not been platted and recorded by the owners thereof as required by law, to be platted and recorded by authority of their board, and to tax the charges for said service, against the lot or lots so platted and recorded, to be collected the same as other corporation or general taxes.

27. To have a common seal and alter the same at pleasure.

28. To purchase, hold or convey, any estate real or personal, for the use of the corporation.

The city council.

Sec. 17. The City Council shall meet statedly at such time and place as they, by resolution, may direct, and the Mayor may call special meetings by notice to each of the members, to be served personally or left at their usual place of abode. The style of all their ordinances shall be

"The Mayor and City Council of the city of Watertown, do ordain as follows." The City Council shall determine the rules of their own proceedings, and shall have power to compel the attendance of absent members. All ordinances and other acts of public importance, of the City Council shall be signed by the Mayor, and published at least three weeks in one or more newspapers printed in said city, before they shall take effect; and the affidavit of the printer of the publication of any By-Laws or Ordinances, or the affidavit of the Clerk of the posting up of any notice required by law, shall be sufficient proof in all Courts and elsewhere, that such Ordinances or By-Laws were properly published, or such notices properly posted up, as the case may be.

Ordinances to be published.

Sec. 18. No person shall be an incompetent Judge, Justice, Juror or Witness, by reason of his being an inhabitant or freeholder within the city of Watertown, in any action in which the city is a party or interested.

Citizens not incapacitated for judges, jurors, &c.

Sec. 19. On all suits for the violation of any ordinance of said city, the process may be by warrant, and it shall be sufficient without setting forth the special matter, to declare, generally, in debt without reference to the ordinance under which the action is brought; the defendant may plead the general issue and give the special matter in evidence.

Suits for violation of ordinances, how brought.

Sec. 20. Every execution issued upon any judgment for the violation or non-observance of any Ordinance or By-Law of said city, may contain a clause directing, in the event of the non-payment of the judgement, the imprisonment of the defendant in the County Jail of either of the Counties of Jefferson or Dodge, for such term as shall have been provided by the ordinance under which the judgment shall have been rendered; all judgments, fines, penalties and forfeitures provided for in this Act, when collected, shall be paid into the City Treasury for the use of the city.—In all other cases, they shall be disposed of in the manner prescribed by the law relating to justices of the Peace of the several towns.

Imprisonment for non-payment of such judgment.

Sec. 21. When an action or suit shall be commenced against the city, the service thereof may be made by leaving an attested copy of the process with the Clerk or Mayor, and it shall be the duty of the person with whom such process is left, forthwith to inform the City Council thereof, or take such other steps as may have been provided by any rule or regulation of said City Council.

When commencing suit how service may be made.

Sec. 22. The City Council shall settle all just claims

Council to settle claims, and to settle with reasurer annually.

Council to appoint officers.

and demands against the city, and settle with the Treasurer annually, and publish accounts of the receipts and expenditures of the city for the information of the citizens.

Sec. 23. The City Council shall have power to appoint, and at their pleasure to remove by a vote of a majority of the Board present and acting, the following officers, and such others as may be deemed necessary to carry out the powers conferred by this Act on said Municipal Corporations: One Chief Warden of the Fire Department, and as many assistants as they may deem proper; and such a number of Street Commissioners as said Council may from time to time deem expedient, and prescribe their duties and compensation; and to impose and enforce in law such penalties as to the said Council may seem proper for any malfeasances or improper conduct of any of said officers.

A municipal judge & court how elected.

Sec. 24. There is hereby constituted and established in said city a Municipal Court, which shall be a Court of Record, with a Clerk and a Seal, and shall have and exercise the same common law and statute powers as are now exercised by the County Courts of this State. At the election of City Officers on the second Tuesday of April, one thousand eight hundred and fifty three, and once in every two years thereafter the qualified electors of said city shall elect, by ballot, on the general ticket, a Judge of said Municipal Court, who shall be a resident of said city, and shall hold his office for the term of two years from the first day of May thereafter, and until his successor is elected and qualified; *Provided*, That nothing contained in this act shall be construed to confer Probate powers upon the Judge of said Municipal Court.

Proviso.

Powers and jurisdiction of the court.

Sec. 25. The said Municipal Court shall have original civil jurisdiction within the limits of said city, concurrently with the County Court and appellate jurisdiction of all cases of appeal, both civil and criminal, and of certiorari from Justices of the Peace in said city; said Court shall also have full power to enter judgments by confession, and to grant new trials, and shall have and exercise within its municipality, all the powers usually possessed by Courts of Record under the common law, subject to the limitations and modifications imposed by statute.

Oath of the judge.

Sec. 26. The Judge of said Court shall, before entering upon the duties of his office, take and subscribe a like oath as is prescribed for Judges of the County Court, and shall receive a like compensation for his services, and may be removed from office in like manner as is provided by law for Judges of the County Court. He shall by virtue of

his office, be a Court Commissioner for both the Counties of Jefferson and Dodge, and his acts as such Commissioner shall be legal and valid in both of said counties; *Provided*, That no per diem allowance shall be allowed to the said Judge to be paid out of the Treasuries of the counties of Jefferson or Dodge.

Court commissioner ex-officio.

Sec. 27. Any person residing within the counties of Dodge or Jefferson wishing to appeal from the judgment of any Justice of the Peace in said city, or to remove such judgment to the county or Municipal Court by certiorari, may at his or her election take such appeal or certiorari to said Municipal Court or to the County Court of the county of his or her residence, and in case of election to appeal or remove by certiorari said judgment to any other than said Municipal Court, shall present to the justice from whose judgment an appeal or certiorari is taken, with the affidavit for appeal or certiorari, a notice of said election.

Appeals from justice court, how taken.

Sec. 28. Any person being an inhabitant of the county of Jefferson or Dodge, and not residing within said city, against whom a suit may be commenced in said Municipal Court at any time after the service of the summons by which said suit is commenced, may upon giving to the opposite party, his, her or their attorney, five days notice, apply by him or herself, or by attorney, to the Judge of said Municipal Court, in term time or vacation, for a change of venue in said case, and upon showing by affidavit that the said defendant resides in either of said counties, and that said affiant verily believes that an impartial trial cannot be had in said Municipal Court, it shall be the duty of said Judge to award a change of venue in said cause to the county in which said affiant may reside.

How change of venue may be procured.

Sec. 29. All process issued out of said Court shall be under the seal of said Court, and shall be returned by the Marshall or other officer to whom it was delivered, to the office of the Clerk of said Court; such process shall except such alterations as may be necessary, correspond in form, with like process issued by the County Courts, and shall be directed to the Marshall of said city, and shall be served by the Marshall, one of his deputies or some person deputed for that purpose by the Court, in the manner and within the time, prescribed by the Statute relating to process issued by the County Court, and shall be by him returned agreeable with the provisions of said Statute. In all civil cases said Municipal Court is hereby authorized and empowered to issue final process directed to the Sheriff of

Process to be under seal of the court, and how returned.

Process, how directed.

either of the counties of Jefferson or Dodge. which process shall be executed by such Sheriff and returned to said Municipal Court. The venue and all process issued within said city shall be

"State of Wisconsin,
City of Watertown, ss." }

Law by which said court shall be regulated. Sec. 30. The proceedings in said Municipal Court respecting the issuing of process, the appearance and pleading of parties, the trial of causes, the entering and collecting of judgments, and the removal of causes to the Supreme Court, shall be regulated by the law relating to proceedings in the County Court; *Provided*, That the trial of issues of fact shall be conducted in the manner prescribed by Statute for the trial of issues of fact in the County Court.

Proviso.

Law of appeals Sec. 31. All cases of appeal and certorari from Justices of the Peace in said city, taken to said Municipal Court, and the law providing for the removal of causes by appeal and certiorari to the County Court, and regulating proceedings therein, shall apply as far as the same is applicable to the removal of causes to said Municipal Court, and shall regulate proceedings thereon in said Municipal Court.

Judgments therein to be a lien. Sec. 32. Judgments obtained in said Municipal Court shall be a lien upon all the real estate owned, or subsequently acquired by the judgment debtor within said city, and such judgments shall be a lien upon all the real estate owned or acquired by a judgment debtor in any county in this State, from and after the filing of a transcript of such judgment in the office of the Clerk of the Circuit Court of such county.

Books of record and a seal for the court to be provided. Sec. 33. The City Council shall provide all books and stationary necessary for keeping the records of said Municipal Court, and shall cause to be made for the use of said Court a seal with a suitable device, and the words "Municipal Court, City of Watertown," engraved thereon.

Duties of clerk of the city. Sec. 34. The Clerk of said city, shall be ex-officio Clerk of said Municipal Court, he shall have the custody of the books and seal provided by the City Council, all shall keep the records of said Court and shall perform the the duties, and be subject to all the liabilities prescribed by law for Clerks of the County Court; he shall take a similar oath and give like security, before entering upon the duties of his office as is required by law of Clerks of the Circuit Court; and shall receive the same fees for his services as such Clerk as are allowed by law for like services to Clerks of the County Court, and in all matters connect-

ed with said Municipal Court, shall sign his name officially as "Clerk of the Municipal Court of the City of Watertown."

Sec. 35. The Marshall shall perform all the duties as Marshall's duties. an officer of said Municipal Court within said city, required by law of the Sheriff as an officer of the Circuit Court, and shall receive the same fees for his services as are given by law to the sheriff for like services in the Circuit Court.

Sec. 36. The same fees shall be allowed to witnesses, Fees of witnesses. and the same costs to the party recovering judgment in said Municipal Court, as are allowed by law to witnesses and parties in the County Court; and in the application of the several Statutes herein referred to, to proceedings in said Municipal Court, the terms Circuit Court and County Court, wherever they occur in such Statutes, shall be construed to mean the *Municipal Court* of the city of *Watertown*; and the term Sheriff wherever it occurs, shall be construed Marshall of the city of Watertown.

Sec. 37. The rules of the county Courts of this State, Rules of court. shall govern the practice of said Court, (as far as applicable) subject however to such alterations and modifications, as the Supreme Court of this State shall from time to time make: The Judge of said Municipal Court, may fix upon Powers of the a judge. the number, and times of holding terms of said Court, a statement of which he shall file with the Clerk, and cause it be published in the newspapers printed in said city, at last thirty days before the first term of said Court. He shall also have power to change the number and times of holding said terms of Court, by filing a copy of such alteration, and making publication thereof, in manner, and for the time aforesaid. The said Municipal Court is hereby authorized to use the jails of either the counties of Jefferson or Dodge, for the purpose of enforcing the judgments orders or decrees of said Court, and the Sheriff's and other officers of the said counties are commanded to receive and keep all persons committed by authority of said Court, the same as if committed by the Courts of their Provisoed. respective counties; *Provided*, All persons committed to the jail of either county for the violation of any Ordinance of said city, shall be a charge against the city of Watertown; *Provided*, That all persons charged or convicted of any Criminal offence before any Court of said city, shall be a charge against the county in which the same was committed.

Sec. 38. At all elections provided for by this act, the Elections. inspectors of election, shall take the oath prescribed by

law, for inspectors of election, they may appoint one or more competent persons, Clerks of such election, who shall also take the oath prescribed by law. The polls shall be opened and closed, and the election conducted in all respects, as required by law at town elections, at all general elections for county and State Officers and Members of the Assembly. The inspectors of the election, in each ward, shall make returns of the election in such ward, to the Clerk of the county in which such ward is situated in the manner prescribed by law. The City Clerk shall give at least fifteen days notice of all elections provided for by this act, by posting in three public places in each ward of said city a written notice containing a statement of the officers to be elected, and of the time and place of holding such election.

When elections not held at the prescribed time.

Proviso.

Vacancies, how filled.

Sec. 39. If any election provided for in this act shall for any cause, not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending, or absolving the said corporation; but such election may be held at any time thereafter by order of the City Council, of which ten days public notice shall be given, and further, if any of the duties enjoined by this act at a time herein specified, or specified by any Ordinance of the city, are not then done, the City Council may appoint another time upon which said duties may be done; *Provided*, That the officer so failing to execute such duties at the time required, shall be liable to the same actions, fines and penalties, as he would be liable to if the said Council had not the power to appoint another time.

Sec. 40. Whenever the office of any person elected under the provisions of this act by the qualified voters of the city, shall become vacant by reason of the death, resignation, removal, refusal or neglect to qualify, or for any cause whatever, the same may be filled by special election, to be held at such time and place as may be designated by the Mayor, or acting Mayor and City Council, and the person or persons so elected shall fill the vacancy during the remainder of the term for which his predecessor was elected.

Hook and Ladder companies.

Sec. 41. The City Council shall have power to authorize the formation of fire Engine, Hook and Ladder, and Hose Companies, provided for the due and proper regulation of the same, and to disband any such Companies at any time, and prohibit their Meetings as such, when disbanded, which Companies shall be officered and governed by their own by-laws; *Provided*, Such by-laws

be not inconsistent with the laws of this State or with the Ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every member of any Company in said city shall be exempt from serving on juries, and from poll tax and Military duty, except in case of War, invasion, insurrection, and whenever a member of a fire, Hook and Ladder, Bucket, and hose Company, shall have served therein ten years, he shall be entitled to a discharged, signed by Mayor, and shall thereafter be exempt as aforesaid.

Immunities of the members.

Sec. 42. Upon the application in writing of two thirds of the owners of Lots or parcels of Land upon any Street or part of Street, the City Council shall have power to cause to be graded, graveled, paved or planked, any Street or part thereof, or the side walks on any Street or part of Street within said city, and to levy and collect a special tax on the Lots and Land bounding and abutting on such Street or side walk in proportion to the front or size of such Lots respectively, for the purpose of defraying the cost of the same, in addition to the ordinary tax authorized by this act, to be levied and collected in the same manner as annual taxes are collected, and it shall be the duty of the City Council to provide by Ordinance for the assessing, correction and equalization of such special tax; and the property so assessed shall be liable for the payment of the same: and in case any tax mentioned in this section shall be returned delinquent, the proceedings for the sale of the Lots or Land so returned, shall in all respects be the same as in case of delinquency in the payment of the annual city taxes with the addition of like interest, cost, and penalty.

Provisions for paving, and grading streets and constructing side walks.

Sec. 43. The said city council shall have power and authority to lay out new highways, streets, alleys, and public walks, and to vacate or alter such highways, streets, alleys and public walks, as in their opinion shall not be of public utility; to regulate, grade, pave, and improve streets, avenues, lanes, and alleys, and to extend, open, and widen the same; and notice of the passage by the City Council of any order for laying out, vacating, changing or altering said highway, streets, alleys, and walks, shall be given by publishing notice of said order, in some newspaper printed in said city, immediately after the passage of the orders aforesaid, and if any person shall claim damages by reason of the laying out, or vacating, changing, or altering thereof, and shall file his notice of such claim, in writing, with the clerk, within thirty days after the order for laying out, vacating, or altering, shall

Powers of the council.

Notice of orders to be given.

have been made by the city council, the city council shall cause the damage, if any over and above the benefit accruing thereby, to such claimant, to be assessed, by a jury, as herein provided.

Damages how
settled.

Sec. 44. The said city council, shall, at the expiration of thirty days after the making and entering of any order for the opening and laying out, extending, or vacating any highway, street, alley, or public walk, if a claim for damages shall have been duly filed with the clerk as aforesaid, cause to be summoned six good and lawful freeholders, inhabitants of said city, (and not directly interested,) who being first duly sworn for that purpose, shall take into consideration as well the benefit as the injury that may accrue, and estimate and assess the damage which would be sustained by reason of the laying out, opening, and extending, or widening of any street, avenue, alley, or public walk, as aforesaid, and shall return the same within six days, to the city council, under their hands and seals, which shall be paid out of the city treasury of said city.

Road tax, and
how collected.

Sec. 45. There shall be two days labor performed annually on highways, streets, and alleys, by each male person, who, by the laws of this State, is subject to perform highway work, such person to perform such labor under the direction of such street commissioners, as the city council may appoint; but any such person may at his option, pay at the rate of fifty cents per day, for every day he may be so bound to labor, any in default of the payment of such money, or the performance of such labor, the street commissioners, or either one of them, may sue for, and collect such money by an action of debt, in the name of the city of Watertown, with fifty per cent damages on the same, together with costs of suit, before the mayor of the city, or any justice of the peace, and in all such cases the process shall be by warrant, and no stay of execution upon any judgment rendered on such suit shall be taken or allowed.

May levy a tax.

Sec. 46 For the discharge of any debt against said city, or expenditure, authorized by the city council, under the provisions of this act, or ordinance of said city, or to defray the current expenses of said city, the city council shall have power to levy and collect annually a tax on all such real and personal property or capital of any kind, within said city, subject to taxation by the laws for levying the taxes of this State for the time being: *Provided*, That the whole amount of said annual taxes shall

not exceed five mills on a dollar of the assessed value of said property, except as in the next section provided.

Sec. 47. Special taxes for purchasing fire engines, or for the purchase of a cemetery, and improvidg the same, for the burial of the dead, or other objects of public utility, may be voted at any regular or special meeting; but no such vote shall be taken unless said tax be first recommended by the common council, and a notice of the same specifying the purpose for which said tax, is to be raised, and the time and place for voting, be published in the manner herein before provided for giving notice of city elections. Special taxes.

Sec. 48. The assessors elected by virtue of this act shall, in all things pertaining to their office, be governed by the same laws as assessors in towns, except that as soon as they have completed their assessment rolls, they shall return them to the city clerk. All lands within said city, not platted or laid out into city lots, shall be assessed by the assessor, as farming lands, at a moderate cash value per acre, in the same manner as assessments are made by town assessors. Assessors.

Sec. 49. It shall be the duty of the clerk annually upon the receipt of the assement rolls, to lay the same before the city council for their consideration, and the said City Council shall be a Board of equalizers, and if they deem it necessary, may make such amendments, corrections, or alterations as will produce an equality of assessment agreeable to the value or comparative value between the several lands; and when so equalized, the said council, at any time thereafter, may proceed to levy upon the whole amount of such assessment as corrected and equalized, such a per centage as a majority of all the board shall deem necessary, for all corporation purposes for the year in which it is made: *Provided*, That such per centage shall not exceed five mills on a dollar valuation, but no county or state tax shall be levied by said council until the assessment shail have been equalized by the county board, the same as the assessment of towns; and after having been so equalized by the county board, the same rules and regulations shall be observed, in levying and collecting said county and state taxes within said city as are applicable to the same in towns. Clerk to lay the assessment rolls before the city council.

Sec. 50. It shall be the duty of the clerk to complete the tax lists of each ward within such time as shall be prescribed by the city council and deliver the same together with the warrant of the said board to the treasurer. Clerk to complete the tax list.

er for collection, which warrant shall be substantially the same as is required by law of town clerks, and make a record of such delivery in a book where such lists shall be recorded, which record shall be conclusive evidence of such deliver; and the taxes so assessed on real estate shall be a lien in preference to any other lien on the estate so taxed until the same shall be paid, together with all legal charges thereon.

Treasurer to give notice before collecting tax.

Sec. 51. Upon the receipt of any tax list by the treasurer, it shall be his duty to give public notice in a newspaper published in said city, that such tax list, (describing for what purpose said tax or taxes are levied,) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of ten days next ensuing said notices, and all persons paying taxes during said time shall be entitled to a discount of two per centum, upon the amount paid; if the taxes are not paid within the said time, he may then proceed to collect the same by distress and sale of the goods and chattles of the person charged, giving at least six days notice of the time and place of such sale by posting up not less than three written notices on as may public places in said city.

May collect by distress and sale in default of payment.

When no goods and chattles can be found.

Sec. 52. In case no goods and chattels shall be found, out of which to collect the taxes on any lot or lots, or other pieces of land or property, it shall then be his duty to make separate lists of all the property and taxes remaining unpaid in each of the counties of Jefferson and Dodge, on the third Monday of January next succeeding the date of his tax list and warrant, and the list so made, with his affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had been unable to find goods and chattels out of which to collect the taxes, shall be called the delinquent list, and it shall be his duty to return said delinquent list to the treasurer of the counties of Jefferson and Dodge respectively, on or before the fourth Monday of January then next; and he shall at the same time pay over to such county Treasurers respectively, all moneys then collected by him belonging to said counties of Jefferson and Dodge, and also those belonging to the State of Wisconsin, in the same manner as required by law of Treasurers of towns.

When persons have removed out of the city

Sec. 53. In case any person against whom personal property shall be assessed, shall have removed out of the city of Watertown after such assessment was made, and before such tax ought by this Act to have been collected,

it shall be lawful for said Treasurer to levy and collect such tax by distress and sale of goods and chattels of the person so assessed, in any town within the counties of Jefferson and Dodge, to which said goods or property may have been removed, or in which he may reside.

Sec. 54. Real estate exempted from taxation by the laws of this State, shall be subject to local taxes for the building and improving of side walks.

Real estate exempt from State, liable to local tax.

Sec. 55. The said city of Watertown shall be and is hereby invested as the lawful owner and successor of all the real and personal estate, and all the rights and privileges belonging to the corporation of the village of Watertown, together with all the funds, revenues, debts and demands due and owing to the said village of Watertown as a corporate body, which, by or under any former acts, ordinances, grants, donations, gifts or purchases, have been acquired, vested, or in any manner belong to said corporation, and the same are hereby transferred to the corporate body created by this Act; and all suits, judgments, rights, claims and demands against the said village of Watertown may be continued, prosecuted, defended and completed in the same manner as if this Act had not been passed.

City invested with rights &c. of the village.

Sec. 56. All the officers of the village of Watertown shall remain in their respective offices, and perform the several duties thereof until the officers elected by virtue of this Act shall be elected and qualified; and all by laws, resolutions and ordinances passed and adopted by the Trustees of the village of Watertown, shall remain in full force until altered or repealed by the City Council established under this Act.

Officers of the village continue till others are elected.

Sec. 57. From and after the first Tuesday of April, 1853, the connection between the town of Watertown and that portion of the said city lying in the county of Jefferson, and between the town of Emmett and that portion of said city lying in the county of Dodge, for town purposes, shall be dissolved; but the Assembly districts in which said city is located, shall not be changed or affected by the passage of this law. The duties now and hereafter imposed upon Supervisors, and other town officers, so far as they relate to the city of Watertown, shall be performed by the Aldermen of the several wards, and the other officers of said city of Watertown; and so much of the towns of Watertown and Emmett as are not included in the limits of said city, shall continue to constitute said towns of Watertown and Emmett, respectively, for the purposes

Connection between the city, and the towns of Watertown and Emmett dissolved.

of town and county government; and such towns shall hold their next town meetings at such places within the towns of Watertown and Emmett, respectively, as the present Board of town Supervisors shall appoint, and thereafter the place of meeting shall be decided by a vote of the town meeting.

When to take effect.

Sec. 58. This act shall take effect and be in force from and after the first day of April next. It may be amended, altered, or repealed by the legislature; and the act entitled "an act to incorporate the village of Watertown," Approved, March 17, A. D. 1849, and all acts and parts of acts inconsistent with this act, shall be, and the same are hereby repealed; such repeal to take effect at the time when this act becomes operative.

Appropriations not to exceed the revenues.

Sec. 59. The said City Council shall not in the appropriations made in any year exceed the revenues of that same year, nor shall they issue any orders certificates bounds or other evidences of debt, not authorized by law, or in any other manner create a floating debt against said city beyond the annual revenue thereof.

River in the city to be under its jurisdiction.

Sec. 60. No compensation whatever shall be paid out of the City Treasury to the Mayor or any member of the Common Council of said city and they are hereby prohibited from being in any manner interested in any contract made by authority of said city.

Sec. 61. All that part of Rock River within the boundaries of said city shall be under the exclusive jurisdiction of the said city and its Council and all bridges over the said River within the limits aforesaid shall be under its jurisdiction and the Mayor and Council of said city are fully empowered to build bridges over said river, remove obstruction and fifth and cause the said River to be kept as clean and as pure as possible.

Sec. 62. This act shall be considered a public act and shall be construed favorably in all Courts and places.

Approved, March 3d, 1853.

Chap. 46.

An Act to Incorporate the Waupaca Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Name and powers of corporation.

SECTION 1. C. Marsh, J. E. Thayer, W. C. Lord, W. Holt, S. Miller, J. Hibbard, and their associates, and such persons as may hereinafter be associated with them, are hereby created a body corporate, with perpetual succes-

sion, to be styled and designated the "Waupaca Academy;" to be located in the village of Waupaca Falls, by which name they and their successors shall be known, and shall have power, and be subject to sue and be sued, to contract and be contracted with, plead and be impleaded, in all courts of law or equity, and may acquire, purchase, receive, possess, hold and enjoy, property, real, personal and mixed, and sell, convey, rent or otherwise lawfully dispose of the same.

Sec. 2. The said Corporation may have a common Seal, which they may alter or renew at pleasure.

Sec. 3. Any six of the above named persons may call a meeting of said Association, for the purpose of organizing, by publishing a notice of the time, place and object of such meeting, for two successive weeks, in some paper published in said Waupaca county, or by posting up three notices in which town said meeting shall be held and said incorporation be located.

Six persons may call a meeting by notice.

Sec. 4. At the first, or any subsequently legally notified meeting, the said persons above named and their associates, if a majority of them are present, shall have power to elect so many Trustees, and such officers as they may determine upon.

Election of Trustees.

Sec. 5. The purpose of this incorporation is to provide for the Education, mental and moral discipline, and instruction in Literature, Science and Arts, of Students in the said Academy; and the said incorporation may make such Rules, Regulations and By-Laws, and vest in the said Trustees and their successors, such powers as they may deem necessary to effect the said purposes, and which shall not be inconsistent therewith or with Law.

Purpose and powers of corporation.

Sec. 6. This Act shall take effect from and after its passage.

Approved, March 4, 1853.

An act granting to Thomas Mathews and Benjamin Smith, the right to keep and maintain a Ferry across the Wisconsin River. Chap. 47.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sec. 1. Thomas Mathews and Benjamin Smith, their heirs Executors, Administrators, and assigns, shall have the exclusive right and privilege for the period of ten years of keeping and maintaining a Ferry across the Wisconsin River, at a point where the fourth principal Meridian crosses said River.

Right granted.

Regulations.

Sec. 2. Said Ferry shall be subject to such regulations as others are or may be by law subject, and the proprietors thereof, shall be entitled to receive for crossing any vehicle drawn by two Horses or one Yoke of Ox forty cents, for each additional Horse or Ox ten cents, a man and Horse twenty five cents, for Cattle and Horses in droves eight cents each; *Provided*, Hogs and Sheep shall not be charged more than three cents per head, and for foot passengers ten cents each.

Sec. 3. No Ferry shall be licensed within one half mile of the point, where the Ferry above provided shall be established.

Sec. 4. Any future Legislature may alter, amend or repeal this act.

Approved, March 4th, 1853.

Chap. 48.

An act to amend Chapter 62, of the Session Laws of 1849.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of Chapter sixty-two of the Session laws of 1849, is hereby amended so as to require every Slide or Chute described in said Section one, to be good and sufficient Gunnels or sides at least four feet high above the said Slide or Chute on both sides, and to be built from the head of said Slide or Chute to the end of the apron.

Approved, March 4, 1853.

Chap. 49.

An act relating to the first Presbyterian Society of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Trustees of the first Presbyterian Society of Milwaukee are hereby authorized to issue bonds of the said Society to the amount of two thousand dollars, payable at such times and in such sums and with such interest not exceeding the rate of ten per centum annum as they deem proper, and to secure the same with the mortgage of said Society, upon the Lots owned by them and the Church edifice thereon.

Sec. 2. This act shall take effect from and after its passage.

Approved, March 4, 1853.

An Act to Incorporate the Cemetery Association of Whitewater.

Chap. 50.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The "Cemetery Association of Whitewater," as now organized, is hereby constituted and declared to be a body corporate, with perpetual succession, and as such, competent to contract and be contracted with, sue and be sued, answer and be answered unto in all Courts of law and equity, and generally, shall have all the rights, privileges and powers conferred on Cemetery Associations by Chapter forty-eight of the Revised Statutes.

Declared a body corporate.

Sec. 2. All the property, real and personal, now held by the said Cemetery Association, shall become vested in and belong to the said Association, as hereby incorporated, and the said Association shall succeed to and hold the title to that part of the West half of the South-East quarter of Section four, in Township four, North of Range fifteen, East, which was deeded to the Cemetery Association of Whitewater, by the town of Whitewater in Walworth county, on the first day of September, A. D. 1849, and that part thereof deeded to said Association by Rosepha A. Trip, on the twenty-seventh day of March, A. D. 1851, now used for burial purposes.

Property of the association.

Sec. 3. The officers of the Association shall be a President, a Secretary, a Treasurer, and two Directors, who together shall constitute a Board of Directors, and shall manage the affairs and property of the Association. A majority of such Board shall constitute a quorum for the transaction of business, and shall have all the powers conferred upon Trustees by said Chapter forty-eight of the Revised Statutes. The officers shall be elected annually by the members of the Association, and shall hold their offices for one year, and until others are chosen.

Officers.

Sec. 4. The annual meeting of the Association shall be held on the second Tuesday of December in each year, in the village of Whitewater, at such hour and place as the Board may direct in conformity with the By-Laws. Richard O'Connor is hereby constituted President, Prosper Cravath, Secretary, P. Howard Brady, Treasurer, and Joseph L. Pratt and John S. Patridge, Directors of the Association, and they shall hold their respective offices until the annual meeting in the year 1853, and until their successors are chosen.

Annual meeting.

Sec. 5. The provisions of Section seven, of Chapter forty-eight of the Revised Statutes shall apply to the said Association.

Sec. 6. All persons who are, or hereafter shall be, owners of any lot or lots laid out for burial purposes in any land belonging to the Association, shall be members thereof.

Sec. 7. This Act shall take effect from and after its passage.

Approved, March 4, 1853.

Chap. 51.

An act to change the name of Nancy Cratsenburgh.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the name of Nancy Cratsenburgh, shall hereafter be Harriet Nancy C. Parker, by which name the said person shall be called and known to all legal intents and purposes.

Made the heir
of Parker,

Sec. 2. The said person whose name is thus changed, by Section first of this act, shall be the Child and heir at law, of LaFayette Parker, of Racine Wisconsin, and the obligation of Child to parent, and parent to Child, shall pertain as fully between the parties herein named, as in the case of (legitimate) parentage and descent.

Proviso.

Sec. 3. This act shall take effect from and after its passage; *Provided*, That this act shall have no force until the said LaFayette Parker, shall assent thereto by an instrument in writing, to be by him subscribed and acknowledged and recorded in the office of the Register of Deeds of the county in which the said Parker resides.

Approved, March 4, 1853.

Chap. 52.

To Incorporate the Fond du Lac and Waukau Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission-
ers to receive
subscriptions,

SECTION 1. J. M. Gillett, John C. Truesdell, William Pope, N. H. Jorquisen, Abel Williams, J. A. Draper, E. D. Hall, N. Lamberson, L. M. Parsons and John Bannister, be and they are hereby appointed Commissioners under the direction of a majority of whom subscriptions may be received to the Capital Stock of the Fond du Lac and Waukau Plank Road Company, hereby incorporated; and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the Capital Stock of said Company, first giving thirty days notice of the times and places of taking

such subscriptions, by publishing the same in one or more newspapers printed in Fond du Lac or Winnebago county.

Sec. 2. The Capital Stock of said Company shall be thirty thousand dollars, in shares of ten dollars each, and as soon as five hundred shares of the Capital Stock shall be subscribed, and five per cent. of the amount thereof actually paid in or secured to the said Company, the subscribers to said stock, with such other persons as shall thereafter associate with them for that purpose, their successors and assigns, shall be and they hereby are created and declared a body corporate and politic by the name and style of the "Fond du Lac and Waukau Plank Road Company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining and conveying estate, real, personal and mixed, and in their corporate name may sue and be sued, may have a common seal which they may alter or renew at pleasure, and generally may do, all and singular, the matters and things which an incorporated Company may by law do.

Condition of incorporation.

Powers.

Sec. 3. The said Commissioners, or a majority of them, after said five hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days notice in one or more of the newspapers of the said counties of Fond du Lac and Winnebago, of the time and place of the meeting of the Stockholders for the purpose of electing seven Directors, who shall hold their offices until their successors are elected; and annually thereafter, upon the anniversary of the first election, upon notice of the place of meeting being given by the Directors then in being, being published in one or more of the newspapers in each of the counties aforesaid, to be designated by the said Directors, the said Stockholders shall meet to elect Directors; *Provided*, That until the first election of Directors the said Commissioners above named, upon the subscription of five hundred shares of stock and the organizing of said Commissioners by the election by them of one of their number President, shall have all the powers and perform all the duties of a Board of Directors for said Company; and the corporate existence of said Company shall be taken and held to have begun and be complete as if a regular election of Directors had taken place, and in case of a vacancy at any time happening in the Board of Directors, or in the said Board of Commissioners acting in the capacity of Directors, the Board shall have power to fill such vacancy.

Election of directors.

Proviso.

Manner of voting. Sec. 4. The affairs of said Company shall be managed by the said Directors, who shall be Stockholders and be chosen by ballot by the Stockholders in person or by their proxies, duly authorized; and in all elections and in the discussion of all questions acted upon at any meeting of the Stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern except in election, when the seven persons having the greatest number of votes cast for Directors shall be declared duly elected.

Directors to choose a president. Sec. 5. A majority of the said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of them member President, and they shall have power to appoint a Secretary and Treasurer, and such other officers and Agents as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers, and revoke the powers of said Agents at pleasure; They shall also have power to make all necessary, and proper By-Laws, rules and regulations for the management of said Company, the subscription of Stock, the payment of instalments thereon, the assignment and transfer of Stock certificates, and prescribing the duties of Officers; All of which By-Laws not inconsistent with the Constitution and Laws of the State, when duly recorded in the Books of the Company shall be effectual, and binding upon the members of said Company, and all persons interested therein, as if the same formed a part of this act of Incorporation.

May make by-laws.

Powers of directors. Sec. 6. The said board of directors shall also have power to decide the time and manner in which said Stockholders shall pay instalments upon their Stock, and to declare the forfeiture of said Stock, and all prior payments thereon for failure to pay such instalments as may be called for, and also to accept in behalf of the Company, a relinquishment of any Stock subscribed, and execute to the person or persons relinquishing the same valid releases, discharging them from all liabilities thereafter, for or on account of the acts of said Company or its Officers.

Further powers. Sec. 7. The said directors shall have power to regulate tolls, and to make such Covenants and Contracts in the name, and under the seal of said Company with any person or persons as the Execution and management of the work and the interest, and convenience of the Company may require; and may issue to each Stockholder a certificate or certificates for the shares, which, he she or they

shall subscribe for stating in the body of such certificate or certificates the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the President, and countersigned by the Secretary of said Company, and which certificate or certificates shall be transferable in the manner prescribed by the By-Laws of said Company.

Sec. 8. The said Company shall have power to locate ^{Route.} and construct a single or double track road, by Bothelle, from such a point, at or in the neighborhood of the City of Fond du Lac, and to such a point at or near the Village of Waukau, as shall be determined upon by a vote of the Stockholders, holding a majority of the Stock of said Company, who shall be represented in person or by proxy at a special Meeting, called for the purpose of fixing the location or termination of said road. The track of said ^{Track of the road.} road shall be constructed of Plank, Stone, Gravel or either, in whole or in part each at the option of the directors so that the same when completed shall constitute a firm, regular and proper surface for the Wagons and Carriages.

Sec. 9. It shall and may be Lawful for said Company, ^{Company may enter upon lands.} their Officers, Engineers and Agents, to enter upon any Lands for the purpose of Exploring, Surveying and locating the route of said Plank Road, doing thereto no unnecessary damage, and when said route shall be determined by said Company, it shall be Lawful for them, their Agents, Officers, Engineers, Contractors and Servants at any time to enter upon, take possession of, and use such Lands not exceeding four rods in width along the line of said route. Subject however to the payment of such Compensation as the Company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed; *Provided*, That in such places as ^{Provided.} may be necessary for the Company to obtain Gravel and Stone or to make Excavations and Embankments for the Construction of said road. The Company may locate the route of said road not to exceed six rods in width and they may also cut down such trees on each side of said road as may endanger said road by falling or otherwise.

Sec. 10. When said Company shall not agree with the owner or owners of any Land, Gravel, Stone or other material required for the Construction of said road, for the purpose thereof, or for the Compensation to be paid therefor, or when by reason of absence or legal incapacity of the owner or owners, no such agreement or purchase

^{Manner of proceeding in case of disagreement.}

can be made and in any such case, it shall be Lawful for any Justice of the Peace to issue a Warrant directed to the Sheriff or any Constable of the county in which the Land, Gravel, Stone, or other material is situated, not directly interested, requiring him to summon a jury of nine freeholders, of his said county not interested in said property, to meet the said Justice at some convenient place at or near the property to be valued on a day in said Warrant named, not less than five nor more than ten days from the date of said Warrant, and if at the time and place named any of the persons so summoned, do not attend, the said Sheriff or Constable shall immediately summon so many, as may be necessary with the persons in attendance as Jurors to furnish a pannel of nine Jurors, and from them the said Company, and the owner or owners of the property to be valued, their Agent or Attorney, or either of them and if they are not present in person or by Attorney, the Sheriff or Constable shall for him, her, or them, strike off each two of said Jurors, and the remaining five shall act as a jury of inquest of damages: Before they act as such, the said Justice of the Peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the Land and material required for such road, and all damages which the owner or owners shall sustain by reason of the Construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment, whereupon the said Justice and Jurors shall proceed to view the said Land or material so required, and to hear the evidence of the respective parties, which the said Justice shall reduce to writing, which shall be signed by the said Justice, and the Verdict of the Jurors thereon shall be signed by the Jurors or a majority of them, and by the Justice of the Peace, and the said Justice of the Peace shall within five days thereafter, transmit the same to the Clerk of the Circuit Court of the proper county, who shall file the same; such inquisition shall describe the property taken, or to be taken, or the boundaries of the Land in question and the value thereof as aforesaid, and such valuation when paid, together with the cost of such inquisition, or tendered to the owner or owners, or deposited with the said Court, shall entitle the said Company to the estate and interest in the same thus valued as if it had been conveyed by the owner or owners thereof so long as the Land thus valued and taken, shall be used for the track of said Plank Road; *Provided*, That it shall not

be Lawful for any Justice or jury of inquest to proceed in *Proviso.*
 the valuation of any such property or material in the ab-
 sence of the owner or owners thereof, his, her, or their
 legal representatives, unless it be made to appear by af-
 fidavit that such owner or owners have had at least five
 days notice of the time and place of Meeting for the pur-
 pose of making such valuation, or unless it shall in like
 manner be shown that such owner or owners, are under
 age or non compos mentis, such service of notice may be
 made upon the Guardian or Trustee under the same re-
 strictions as in the case of owners, or if there be no Guar-
 dian or Trustee, the same shall be established by affidavit;
Provided, That no such materials shall be taken if the
 jury shall decide that the same are essential to the owner
 or owners thereof; *Provided*, That any party conceiving
 himself aggrieved by any decision herein stated, may in
 any such case appeal from such decision to the Circuit
 Court of the County in which the property in question is
 situated; as in ordinary cases of appeal.

Sec. 11. The Directors shall have power in their dis- *May construct*
 cretion to construct said Plank Road along or upon any *the road along*
 road or highway now or hereafter to be laid out, opened *or upon other*
 or established by the proper authorities, and of such width *highways.*
 and in such manner as the said Directors shall determine.

Provided, They procure by agreement with the Supervi- *Proviso.*
 sors of any town the right to take and use any part of any
 public highway in each town for the construction of such
 proposed roads, and agree with such Supervisors upon the
 amount of compensation and damage to be paid by such
 Company to such Supervisors therefor. Every such agree-

ment with the Supervisors shall be in writing, and shall
 be filed in the town Clerks' office of the town; and such
 compensation and damages, when paid to the Supervisors,
 shall be expended by them in improving the highways of
 such town, and they may erect toll gates and exact toll *Rates of toll.*
 from persons travelling on their road whenever four con-
 secutive miles are finished, or when the whole road is com-
 pleted, not exceeding two cents per mile for every vehicle,
 led, sleigh or carriage drawn by two animals, and if
 drawn by more than two animals, one cent per mile for
 every additional animal; for every sled, sleigh or carriage
 drawn by one animal, one cent per mile; and for every
 horse and rider or led animal one cent per mile; for one
 score of sheep or swine, one cent per mile; and for every
 score of neat cattle, four cents per mile. *Exemption.*
Provided, That persons going to and from military parade at which they

are required by law to attend, and persons going to or returning from funerals shall be exempt from toll. The toll-gatherer at each gate when erected on said road in pursuance of this Act, may detain and prevent from passing such gate, any animal or carriage subject to toll until the toll thereon is paid.

May receive
security from
stockholders.

Sec. 12. The said Directors may receive from any Stockholders in said Company, in lieu of money for the stock subscribed by him, real or personal security, subject to the approval of said Board of Directors, and upon the acceptance of such security from said Stockholders or any of them, the subscription of such Stockholders shall be considered as paid, and certificates of stock shall be issued to said Stockholder in the same manner as if he had paid in the full amount of his subscription in money, and it shall be competent for the said Stockholders paying their subscription to said stock in securities as aforesaid, to contract and pay to said Company interest at the rate of twelve per cent per annum for a period not exceeding ten years, and to execute to said Company by its corporate name, bonds, mortgages or notes for such stock which shall be available for the use and benefit of said Company, and for all subsequent holders thereof, and be transferable by them or any of them, in the same manner as if the same were made payable to individuals or to their order as assignees.

Penalties for
injuring road.

Sec. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy, the said road to be constructed by the said Company, or any part thereof, or any work, building or fixtures attached to or in use upon the same, belonging to said Company, such person or persons so offending shall each of them for every such offence, be liable to a civil suit for the recovery of damages by said Company by an action of trespass in any Court having competent jurisdiction in the County where the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the Court.

For breaking
gates or avoid-
ing payment
of toll.

Sec. 14. Any person who shall wilfully break down any gate on such road which may have been erected in pursuance of this Act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage or animal, turn out of said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall for each of

fence forfeit a sum not exceeding ten dollars to and for the use of said Company, and also be liable for all damages done to the profit of said Company in an action of trespass.

Sec. 15. The Directors of said Company at any annual or special meeting of the Stockholders, may provide for such increase of the Capital Stock of said Company as may be found necessary to complete said road in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same. May increase capital stock.

Sec. 16. At each annual meeting of the Stockholders for the purpose of choosing Directors, the Directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the Company for such year; and special meetings of the Stockholders may be called by the Directors or by any number of Stockholders holding one-fourth in amount in capital stock of the Company, by giving twenty days notice of the time and place of such meeting in a newspaper published in either of the Counties through which said road is run. To make an annual statement.

Sec. 17. This Act is hereby declared to be a public Act, and copies thereof, printed by authority of the State, shall be received as evidence thereof.

Approved, March 4, 1853.

An act to amend Chapter 221 of the Session Laws of 1850.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 53.

SECTION 1. That Chapter 221 of the Session Laws of 1850, is hereby amended by striking out the names of "John Stackhouse, Edward A. Pierson and Henry Lessey," and inserting in lieu thereof the following, to wit: Charles A. Single, Asa Lawrence and Hiram Calkins, who are hereby made Commissioners, for the purposes mentioned in said Chapter.

Approved, March 4, 1853.

Chap. 54.

An act to amend an act entitled an act to Incorporate the Green Bay, Milwaukee and Chicago Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. An act to incorporate the Green Bay, Milwaukee and Chicago Railroad Company, approved March thirteenth A. D. 1851, is hereby amended, as follows : Said Company before entering on to any improved land for the purpose of constructing said road, shall build good substantial fences on each side thereof and continue to keep the same in good repair, and when land now unclosed on the route of said road becomes inclosed for Farming purposes, said Company shall build and keep in repair a good substantial fence on each side of the said road. Approved, March 4, 1853.

Chap. 55.

An Act to Incorporate the Watertown and Oak Grove Plank Road Company

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Commissioners to receive subscriptions,

SECTION 1. Wm. M. Dennis, Patrick Rogan, John W. Cole, Lewis R. Cady, Daniel Jones, Harvey Crandell, Sebastin Frank, — Vinton, Allen H. Atwater, John Nash, Wm. H. Lander, Morris Grout, be, and they are, hereby appointed Commissioners, under the direction of a majority of whom subscription may be received to the Capital Stock of the Watertown and Oak Grove Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscription to the Capital Stock of said Company, first giving thirty days notice of the time and places of taking such subscription, by publishing the same in one or more newspapers printed in Dodge County.

Condition of incorporation,

Sec. 2. The Capital Stock of said Company shall be thirty thousand dollars, in shares of ten dollars each, and as soon as five hundred shares of the Capital Stock shall be subscribed, and five per cent of the amount thereof actually paid in or secured to the Company, the subscribers to said stock, with such other persons as shall thereafter associate with them for that purpose, their successors and assigns, shall be, and they hereby are created and declared a body corporate and politic, by the name and stile of the Watertown and Oak Grove Plank Road Company, with perpetual succession ; and by that name shall be capa-

ble in law of purchasing, holding, selling, bargaining and **Powers.**
conveying estate, real, personal, or mixed, and in their
corporate name, may sue and be sued, may have a com-
mon seal, which they may alter or renew at pleasure, and
generally may do all and singular, the matters and things
which an incorporate Company may by law do.

Sec. 2. The said Commissioners, or a majority of them, **Election of**
after said five hundred shares of Stock shall have been sub- **directors.**
scribed as aforesaid, shall give at least twenty days notice,
in one or more newspapers published in Dodge county, of
the time and place of meeting of the Stockholders for the
purpose of electing seven Directors, who shall hold their
offices until their successors are elected; and annually
thereafter, upon the anniversary of the first election, upon
notice of the place of meeting being given by the Direc-
tors by publishing said notice for twenty days previous
hereto, in one or more of the newspapers in the county
aforesaid, to be designated by the said Directors, the said
Stockholders shall meet to elect Directors; **Provided,**
that until the first election of Directors, the said Commis- **Proviso.**
sioners above named, upon the subscription of five hund-
red shares of Stock, and the organizing of said Commis-
sioners by the election by them of one of their number
President, shall have all the powers and perform all the
duties of a Board of Directors for said Company, and the
corporate existence of said Company shall be taken and
held to have begun and be completed as if a regular elec-
tion of Directors had taken place; and in case of a vacan-
cy at any time happening in the Board of Directors, or in
the said Board of Commissioners, acting in the capacity of
Directors, the Board shall have power to fill such vacancy.

Sec. 4. The affairs of said Company shall be managed **Manner of vo-**
by the said Directors, who shall be Stockholders, in per- **ting.**
son or by proxies, duly authorized, and in all elections,
and in all discussions of all questions acted upon at any
meeting of the Stockholders, each share of Stock shall be
entitled to one vote, and the majority of the votes cast
shall govern, except in elections for Directors, wherein the
seven persons having the greatest number of votes cast
shall be declared duly elected.

Sec. 5. A majority of said Directors shall form a quo- **Directors to**
rum for the transaction of all business, and shall organize **choose a presi-**
by choosing one of their number President, and they shall **dent, &c.**
have power to appoint a Secretary and Treasurer, and
such other officers and agents as they shall deem fit, and
may fix their compensation, and may demand adequate

May make by-laws. security for their respective trusts, and may remove said officers, and revoke the powers of said agents at pleasure, they shall also have power to make all necessary and proper By-Laws, Rules and Regulations, for the management of said Company, the subscription of Stock, the payment of instalments thereon, the assignment and transfer of Stock certificates, and prescribing the duties of officers, all of which By-Laws, not inconsistent with the Constitution and Laws of the State, when duly recorded in the books of the Company, shall be effectual and binding upon the members of said Company, and all persons interested therein, as if the same formed a part of this Act of incorporation.

Powers of directors. Sec. 6. The said Board of Directors shall also have power to decide the time and manner in which said Stockholders shall pay instalments upon their Stock, and to declare the forfeiture of said Stock and all prior payments thereon for failure to pay such instalments as may be called for, and also to accept in behalf of the Company, a relinquishment of any Stock subscribed and executed to the person or persons relinquishing the same, valid releases, discharging them from all liabilities thereafter, for, or on account of the Acts of said Company or its officers.

Further powers. Sec. 7. The said Directors shall have power to regulate tolls, and to make such covenants and contracts, in the name and under the seal of said Company, with any person or persons as the execution and management of the work, and the convenience and interests of the Company may require; and may issue to each Stockholder a certificate or certificates, the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the President and countersigned by the Secretary of said Company, and which certificate or certificates shall be transferable in the manner prescribed by the By-Laws of said Company.

Route. Sec. 8. The said Company shall have power to locate and construct a single or double track road, from the village of Watertown, Jefferson county, to the village of Fox Lake, Dodge county, by the most eligible and practicable route. The track of said road shall be constructed of Plank, Stone, Gravel, Charcoal, or either, in whole or in part, each at the option of the Directors, so that the same, when completed, shall constitute a firm, regular and proper surface for the passage of wagons and carriages.

Sec. 9. It shall and may be lawful for said Company, their officers, engineers and agents, to enter upon any

Lands for the purpose of Exploring, Surveying and locating the route of said Plank Road, doing thereto no unnecessary damage, and when said route shall be determined by said Company, it shall be Lawful for them, their Agents, Officers, Engineers, Contractors and Servants at any time to enter upon, take possession of, and use such Lands not exceeding four rods in width along the line of said route. Subject however to the payment of such Compensation as the Company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed; *Provided*, That in such places as may be necessary for the Company to obtain Gravel and Stone or to make Excavations and Embankments for the Construction of said road. The Company may locate the route of said road not to exceed six rods in width and they may also cut down such trees on each side of said road as may endanger said road by falling or otherwise.

Company may enter upon lands.

Provido.

Sec. 10. When the said Corporation shall not agree with the owner or owners of any Land, Gravel, Stone or other material required for the Construction of said road, for the purpose thereof, or for the Compensation to be paid therefor, or when by absence or legal incapacity of the owner or owners, no such agreement or purchase can be made and in any such case, it shall be Lawful for any Justice of the Peace to issue a Warrant directed to the Sheriff or any Constable of the county in which the Land, Gravel, Stone, or other material is situated, not directly interested, requiring him to summon a jury of nine freeholders, of said county not interested in said property, to meet the said Justice at some convenient place at or near the property to be valued on a day in said Warrant named, not less than five nor more than ten days from the date of said Warrant, and if at the time and place named any of the persons so summoned, do not attend, the said Sheriff or Constable shall immediately summon as many, as may be necessary with the persons in attendance as jurors to furnish a pannel of nine Jurors, and from them the said Company, and the owner or owners of the property to be valued, their Agent or Attorney, or either of them and if they are not present in person or by Attorney, the Sheriff or Constable shall for him, her, or them, strike off each two of said Jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said Justice of the Peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the Land and material required for such

Manner of proceeding in case of disagreement.

road, and all damages which the owner or owners shall sustain by reason of the Construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment, whereupon the said Justice and Jurors shall proceed to view the said Land or material so required, and to hear the evidence of the respective parties, which the said Justice shall reduce to writing, which shall be signed by the said Justice, and the Verdict of the Jurors thereon shall be signed by the Jurors or a majority of them, and by the Justice of the Peace, and the said Justice of the Peace shall within five days thereafter, transmit the same to the Clerk of the Circuit Court of the proper county, who shall file the same; such inquisition shall describe the property taken, or to be taken, or the boundaries of the Land in question and the value thereof as aforesaid, and such valuation when paid, together with the cost of such inquisition, or tendered to the owner or owners, or deposited with the said Court, shall entitle the said Company to the estate and interest in the same thus valued as if it had been conveyed by the owner or owners thereof so long as the Land thus valued and taken, shall be used for the track of said Plank Road; *Provided*, That it shall not be Lawful for any Justice or jury of inquest to proceed in such valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of Meeting for the purpose of making such valuation, or unless in like manner it shall be shown that such owner or owners, are under age or non compos mentis, such service of notice may be made upon the Guardian or Trustee under the same restrictions as in the case of owners, or if there be no Guardian or Trustee, the same shall be established by affidavit; *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof; *Provided*, That any party conceiving himself aggrieved by any decision herein stated, may in any such case appeal from such decision to the Circuit Court of the County in which the property in question is situated; as in ordinary cases of appeal.

Provisoes.

Sec. 11. The Directors shall have power in their discretion to construct said Plank Road along or upon any road or highway now or hereafter to be laid out, opened established by the proper authorities, and of such width

and in such manner as the said Directors shall determine. *Provided*, They procure by agreement with the Supervisors of any town the right to take and use any part of any public highway in such town for the construction of such proposed roads, and agree with such Supervisors upon the amount of compensation and damage to be paid by such Company to such Supervisors therefor. Every such agreement with the Supervisors shall be in writing, and shall be filed in the town Clerks' office of the town; and such compensation and damages, when paid to the Supervisors, shall be expended by them in improving the highways of such town, and they may erect toll gates and exact toll from persons travelling on their road whenever four consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, one cent per mile; and for every horse and rider or led animal one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile. *Provided*, That persons going to and from military parade at which they are required by law to attend, and persons going to or returning from funerals shall be exempt from toll. The toll-gatherer at each gate when erected on said road in pursuance of this Act, may detain and prevent from passing such gate, any animal or carriage subject to toll until the toll thereon is paid.

May construct the road along or upon other highways.

Provisoes.

Rates of toll.

Exemption.

Sec. 12. The said Directors may receive from any Stockholders in said Company, in lieu of money for the stock subscribed by him, real or personal security, subject to be approved by said Board of Directors, and upon the acceptance of such security from said Stockholders or any of them, the subscription of such Stockholders shall be considered as paid, and certificates of stock shall be issued to said Stockholder in the same manner as if he had paid in the full amount of his subscription in money, and it shall be competent for the said Stockholders paying their subscription to said stock in securities as aforesaid, to contract and pay to said Company interest at the rate of twelve per cent per annum for a period not exceeding ten years, and to execute to said Company by its corporate name, bonds, mortgages or notes for such stock which shall be available for the use and benefit of said Company, and for all subsequent holders thereof, and be transferable by

May receive security from stockholders.

them or any of them, in the same manner as if the same were made payable to individuals or to their order as signs.

Penalties for
injuring road.

Sec. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy, the said road to be constructed by the said Company, or any part thereof, or any work, building or fixtures attached to or in use upon the same, belonging to said Company, such person or persons so offending shall each of them for every such offence, be liable to a civil suit for the recovery of damages by said Company by an action of trespass in any Court having competent jurisdiction in the County where the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the Court.

For breaking
gates or avoid-
ing payment
of toll.

Sec. 14. Any person who shall wilfully break down any gate on such road which may have been erected in pursuance of this Act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage or animal, turn off of said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars to and for the use of said Company, and also for all damages.

May increase
capital stock.

Sec. 15. The Directors of said Company at any annual or special meeting of the Stockholders, may provide for such increase of the Capital Stock of said Company as may be found necessary to complete said road in such sections as may have been actually commenced but remain in an unfinished state for want of means for completing the same.

When compa-
ny shall com-
mence con-
struction, &c.

Sec. 16. If said corporation should not within three years from the passage of this act, commence the construction of said Plank Road, and expend four thousand dollars or more thereon, and shall not within ten years from the passage of this Act, construct, finish, and put in operation, a single or double tract road according to the specifications heretofore mentioned, from Watertown to the village of Fox Lake, Dodge county, Wisconsin, then the rights, privileges and powers of the said Corporation under this Act, shall be null and void.

Declared a
public act.

Sec. 17. This Act shall be favorably construed to effect the purposes therein intended, and the same is hereby declared to be a public Act, and copies thereof, printed

by authority of the State, shall be received as evidence thereof.

Sec. 18. This Act may be altered or amended by any future Legislature of the State of Wisconsin.

Approved, March 4, 1853.

An Act to authorize the Trustees of the First Universalist Society of Racine to Execute a Bond and Mortgage.

Chap. 56.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Trustees of the First Universalist Society of Racine, are hereby authorized to issue the bond of the said Society for the sum of one thousand dollars, payable at such time, and with such interest, not exceeding the rate of twelve per cent per annum as they may deem proper, and to secure the payment of the same by the mortgage of the said Society upon the lot or lots owned by them in the city of Racine and the Brick Church erected thereon.

Sec. 2. This Act shall take effect from and after its passage.

Approved, March 4, 1853.

An Act to legalize certain Highways therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Chap. 57.

SECTION 1. That all public highways in the County of Waupaca, which may have been laid out by the Board of Supervisors of the several towns in said County in the years 1851 and 1852, which may have been surveyed, marked and properly described by metes and bounds, and recorded on the proper record, according to Section 55 of Chapter 16 of the Revised Statutes, shall be, and they are, hereby declared legal highways.

Sec. 2. This Act shall take effect and be in force from and after its passage.

Approved, March 4, 1853.

Chap. 58.

An act Granting to Timothy Fanning the right to keep and maintain a Ferry across the Mississippi River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Location of
ferry.

SECTION 1. That Timothy Fanning, his heirs, and Executors, Administrators and Assigns, shall have the exclusive right and privilege, for the period of ten years, keeping and maintaining a Ferry across the Mississippi River on any Lands owned by him on Fractions numbered three (3) and four (4) in Section numbered thirty two Township numbered one (1) of Range numbered two west of the fourth principal Meridien, and no other Ferry shall be Chartered, or Licensed within the distance on the River embraced within the limits of said Fractions numbered three and four.

Ferriage.

Sec. 2. [3] The said Ferry shall receive such rates of ferriage, and no more, as may be prescribed from time to time, by the Board of Supervisors of the County in which said Fractions number three and four are situated according to the provisions of the Revised Statutes of 1848 Chapter seventeen, Section second. And the said Fanning shall give bond as is required in the fifth Section of said Chapter seventeen.

In case a railroad terminates at that point.

Sec. 3. It is hereby expressly provided, that if at any time a Railroad shall terminate at the said Mississippi River, on either of said Fractions numbered three and four, then, and in that case, the Company owning or controlling such Railroad, shall have full privilege to obtain a License to transport, and carry their passenger, property and freight of whatsoever nature and descriptions in their own Boats, from said point of termination across said River, free from any hindrance, let, molestation or Ferriage rates, offered or exacted, by the said Fanning, or any person claiming under him, by reason of any privilege or immunity granted in this Charter.

Sec. 4. Any future Legislature may alter, amend or repeal this act.

Repealed.

Sec. 5. That the act granting to A. L. Gregoire and George W. Jones, the right to keep and maintain a Ferry across the Mississippi River. "Approved February 1848, be and the same is hereby repealed.

Approved, March 4, 1853.

An Act to authorize certain Towns to subscribe Stock in the Sheboygan and Mayville Plank Road Company.

Chap. 59.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the Supervisors of any town through which the Sheboygan and Mayville Plank Road may be located, and of the towns at either end of said Plank Road, by and with the consent of a majority of the legal voters of such town, to be expressed as hereinafter provided, be, and they are hereby authorized and required, to subscribe in the name and for the benefit of such town, to the Capital Stock of the Sheboygan and Mayville Plank Road Company an amount not exceeding eight thousand dollars.

Supervisors may subscribe to stock.

Sec. 2. That the Supervisors of said towns, for the purpose of paying the Stock authorized to be subscribed for by this Act, are hereby authorized to borrow the necessary amount of money, for which they shall issue the bonds or obligations of such towns, signed by the Supervisors of the same, in amounts not less than fifty dollars, which bonds or obligations shall be made negotiable, bearing interest payable annually, at such place and at such rate not exceeding ten per cent. per annum, as may be agreed upon, and such bonds or obligations may be made redeemable at such time as may be deemed expedient by said Supervisors; or such bonds or obligations, or any part thereof, may be issued directly to said Company in payment of said Stock, as said Supervisors and the Officers of said Company may agree.

May borrow money and issue bonds.

Sec. 3. That the said Supervisors of such towns, shall keep an accurate register of all bonds or obligations issued under the provisions of this Act; showing the dates, numbers and amounts thereof, to whom issued, when payable, and the rate of interest stipulated therein, and they shall also cause to be kept in the office of the town Treasurer of their several towns, such books and entries as will fully exhibit all liabilities, receipts, disbursements, and the precise state of indebtedness of such towns, arising in any manner under this Act.

Shall keep register of bonds issued.

Sec. 4. That the faith of any town subscribing for Stock under this Act, and the net profits or dividends upon the Stock so subscribed by said town, shall stand pledged for the payment of the indebtedness and interest which may become due from said town under this Act, and it is moreover made the duty of the Supervisors of such towns so subscribing under this Act, to add and levy such

Faith of the towns pledged.

Sinking fund.

per centum of tax upon the assessment roll of all the taxable property in such town, annually, in addition to the ordinary taxes of such town, to be collected as other town taxes, as shall be sufficient, when added to the dividends or net profits aforesaid, to pay the accruing interest, expenses, discounts, or any losses springing out of the sale of said bonds or obligations, or in any manner arising under this Act; and likewise to provide a sinking fund of such amount as they may deem expedient, and the money so levied, when collected like other taxes, shall be applied to the purposes aforesaid and none other.

Such supervisors to vote at meetings of the company.

Sec. 5. That the Supervisors of any town so subscribing, by themselves or such agent or agents as they may appoint, shall have power to vote at all meeting of the Stockholders of said Plank Road Company, in proportion to the Stock owned by such town, and in all other respects to act in the business of said Company as individual Stockholders in the same are authorized by law to do; and the said Supervisors are hereby authorized, whenever they deem the same expedient, to sell and transfer any or all Stock owned by such town in said Company, in order to pay off the indebtedness which may arise under this Act, and the proceeds of such sale shall be applied to the extinguishment of an equivalent amount of the indebtedness of the town created under this Act.

Notice of election to be given.

Sec. 6. That before any Stock shall be subscribed by the Supervisors of any of the towns aforesaid, to the said Plank Road Company, under the provisions of this Act, the question shall be submitted to the qualified electors residing within the limits of such town, in the manner following: That is to say, on the written application to the Supervisors of any such town, of twenty or more qualified electors of said town, which application shall specify the amount of Stock they desire said Supervisors to subscribe to the Capital Stock of said Company for the benefits of said town, it shall be the duty of the Supervisors of such town to give notice by posting up in five or more of the most public places in such town, at least ten days before the time specified in said notice for holding said election, a written or printed notice, setting forth that on a certain day, and at a certain place therein mentioned, an election will be held in such town for the purpose of deciding whether the Supervisors of said town shall subscribe in the name and for the benefits of said town, to the Capital Stock of the Sheboygan and Mayville Plank Road Company the amount specified in the application aforesaid,

which amount shall also be specified in said notice; and on the day and at the place specified in said notice, an election shall be had and a vote taken, by ballot, and said election shall be held and conducted, and the vote taken canvassed and returned in all respects as provided for the holding and conducting of town meetings, and each voter shall endorse upon his ballot, the words "for subscription" or "against subscription," and if it appears that a majority of the votes given are in favor of such subscription, the same shall be made in the manner provided in this Act, but not otherwise.

Sec. 7. That the said Supervisors, or one of them, shall make or cause to be made, an affidavit or affidavits of the posting of the notices required in the foregoing Section of this Act, which affidavit or affidavits, together with the application in writing, also specified in the foregoing section, shall be by them deposited in the office of the town Clerk of their respective towns, and recorded in his office; and the said affidavit or affidavits, and applications or certified copies of the same, or a certified transcript of the record of the same, shall be taken and received in all Courts of this State as conclusive evidence to prove the facts set forth and contained in the same. Affidavits of the notices

Sec. 8. That any two of the Supervisors of the towns aforesaid, may do or perform any act or thing which said Supervisors are by this Act authorized or required to perform.

Sec. 9. This Act shall take effect and be in force from and after its passage.

Approved, March 4, 1853.

An act to Incorporate the Kenosha and Beloit Railroad Company.

The people of the State of Wisconsin, represented in Chap. 60. Senate and Assembly, do enact as follows:

SECTION 1. That Samuel Hale, Alonzo Campbell, Charles M. Baker, E. W. Evans, Josiah Bond, George Bennett, Henry B. Hindale, S. H. Stafford, Samuel R. McClelland, S. W. Benson, Joseph D. Monell, jr., L. G. Fisher, T. H. Fellows and John Hackett, shall be and they are hereby appointed Commissioners, under the direction of a majority of whom subscriptions may be received to the Capital Stock of the Kenosha and Beloit Railroad Company hereby Incorporated; and they may cause Books to be opened at such times and places as they may opened. Commissioners.

direct, for the purpose of receiving Subscriptions to the Capital Stock of said Company, first giving thirty days notice of the times and places, by publishing the same weekly in some public newspaper printed in the Counties of Kenosha, Walworth and Rock.

C pital stock. **Sec. 2.** The Capital Stock of said Company shall be one million dollars, in shares of one hundred dollars each, and as soon as four hundred shares shall have been subscribed and five dollars on each share actually paid in, the subscribers of such Stock with such other persons as shall become associated with them for that purpose, their Successors and Assigns, shall be and they are hereby created and declared a body Corporate and politic, by the name and style of the Kenosha and Beloit Railroad Company with perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a Corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real personal or mixed; they may make, have, and use a common seal, and may alter, break or renew the same at pleasure, and by that name may sue and be sued, plead and be impleaded answer and be answered, defend and be defended, Contract and be Contracted with, and generally may do and perform all and singular, the acts and matters which to any Corporation it shall lawfully appertain to do and perform for the well being of the said Corporation.

powers of the company.

Directors elected. **Sec. 3.** The said Commissioners, or a majority of them, after the said four hundred shares of Stock shall have been Subscribed, as aforesaid, shall close the Books of Subscription, and shall give at least thirty days notice in the newspapers herein before mentioned, of the time and place by them appointed for the Stockholders to meet, for the purpose of Electing thirteen Directors; and the Directors thus Elected, shall hold their Offices until the next annual meeting of the Stockholders for the Election of Directors, and until other Directors are Elected.

Manner of election. **Sec. 4.** The affairs of said Corporation shall be managed by a board of thirteen Directors, who shall be Stockholders, and who are hereby invested with all the powers of the Corporation. They shall be chosen annually by ballot, at the annual meeting of the Stockholders, which shall be on the fourth Monday of December in each year, by the Stockholders of said Company; on like notice as herein prescribed for the first Election of Directors. The votes shall be delivered in person or by proxy duly authorized, and in all cases in which Stockholders shall vote,

each share of Stock shall be entitled to one vote, and in all Elections of Directors those Stockholders equal to the number to be Elected, having the greatest number of votes, shall be deemed and declared duly Elected. The Elections shall be conducted in such manner as shall be prescribed by the By-Laws of the Company. If from any cause, an Election of Directors shall not be had at the time, when by the provisions of this act it should be held, the same may be had at any other time, on thirty days notice to be given as aforesaid and until such Election be had, the Directors of the preceding year shall continue to act, and the Corporation hereby created shall not forfeit or lose any of its privileges, Franchises, or immunities by the reason of the irregularity or want of such Election.— The Board of Directors may at any time increase or diminish the number of Directors to be Elected at the next annual meeting of the Stockholders ; *Provided*, The number shall not be less than seven nor more than fifteen ; and in case of such increase or diminution, the number to be Elected shall be specified in the notice of Election.

When election
not held at the
proper time.

Proviso.

Sec. 5. A majority of the Board of Directors shall be a quorum for the transaction of any business, they shall meet at such times and places, and be convened in such manner as they shall decide upon ; they shall elect by ballot one of their own number to be President, who shall when present, preside at all meetings of the Directors, and when absent, the Directors may appoint a President pro tem. The said Directors shall appoint a Secretary, Treasurer and such Engineers, Superintendents, Agents and other Officers as they may find necessary ; fix their Compensation, and may demand adequate security for the performance of their respective duties and trusts ; and may fill any vacancy which may occur in their own Board ; the Directors shall have power to re-open the Books for Subscription to the Capital Stock of the Company, or open new Books under their own direction or the direction of a majority of them, or under the direction of such person or persons as they may designate ; they shall prescribe the time, manner and proportions in which the said Stockholders shall pay the money due on their respective shares, and to forfeit to the use of the Company the share or shares of any person failing to pay any instalment so required ; to regulate tolls, and charges for the transportation of freight and passengers ; to make such covenants, contracts and agreements with any person or persons, Copartnerships or Corporation whatsoever, as the Execution and

Directors to
elect officers.

May re-open
subscription
book.

Powers of directors.

management of the works, convenience and interests of the Company may require; to make any contract or agreement, which they shall think proper, with any other Railroad Company, whose Railroad shall come in contact therewith, for the leasing or purchasing the whole or any part of any Railroad, constructed or to be constructed by such Railroad Company; to make and establish such By-Laws, rules, orders and regulations, not inconsistent with the Constitution and Laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said Company, and in general to superintend and direct all of the appropriations, receipts, disbursements, and all other affairs and proceedings of said Company.

Certificates to Stockholders.

Sec. 6. The Directors shall issue a certificate or certificates to the Stockholders of the number of shares held by them respectively in said Corporation, signed by the President and Secretary, and sealed with the common seal of the Company; subject, however, to all the payments due or to grow due thereon, which Stock shall be transferable in such manner as shall be provided by the By-Laws of the Company.

Directors to exhibit an annual statement

Sec. 7. At each annual meeting of the Stockholders for the Election of Directors, the Directors of the preceding year shall exhibit to them a complete statement of the affairs and doings of the Company for such year. Special meetings of the Stockholders may be called by order of the Directors, or by Stockholders holding one fourth of the Capital Stock, on like notice as that required for annual meetings, specifying the object of the meeting.

Route.

Sec. 8. The said Company shall have power to locate and construct a Railroad, with one or more Railways or tracks, from such point in the city of Kenosha, in the county of Kenosha to such point in the village of Beloit, upon the Rock River, as shall be determined upon by the Board of Directors, and to connect with any other Railroad running from Rock River to the Mississippi River; and the said Company shall have power to transport, take and carry property and persons upon such road by any power and force whatever, and to make, construct, and put in operation all such turn outs, side tracks, and connecting tracks, as they shall think will promote the interests of the Company; and to erect and construct all such depots, Station Houses, Ware Houses, Care Houses and Shops, Engine Houses and Shops, Toll Houses, Machine Shops, and all other fixtures useful for the accommodation of said

road, and of those using it; to manufacture or purchase all necessary Engines, tenders, Cars, and other conveniences for running said road; and they shall have power to connect the said Railroad with any Railroad or branch Railroad coming in contact therewith, to operate the same in connection with such other Railroad or branch Railroad, and to lease or purchase from any other Railroad Company, when said Railroad shall come in contact therewith, the whole or any part of any Railroad or branch Railroad owned by such Company, whose Railroad shall come in contact therewith or to lease or to sell to any other Company the whole or any part of the Railroad to be built or owned by this Company.

Sec. 9. The said Company is hereby authorized and **May borrow money.** fully empowered in its Corporate capacity, to borrow any sums of money from any person or persons, Corporation, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said Company and any person or party of whom such money may be obtained; and to make execute, and deliver all necessary writings, notes, bonds, Mortgages, or other papers and securities in amount and kind as may be deemed expedient by said Corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction repair, Equipment or running of said road, and the powers of the said Corporation for the purposes aforesaid, and for all purposes necessary to carry out the object of said Company namely, the construction of a Railroad from and to the points aforesaid, are hereby ratified and confirmed, and the contracts and official acts of said Company are declared binding in law and Equity upon said Corporation, and upon all other parties to such contracts.

Sec. 10. If said Corporation shall not, within three **Condition of the charter.** years from the passage of this act, commence the construction of said road and expend twenty five thousand dollars then the rights, privileges, and powers of said Corporation, under this act, shall be null and void.

Sec. 11. It shall be Lawful for said Company, their **May enter upon land.** Officers, Engineers and Agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing *there* no unnecessary damage, and when the said route shall be determined by said Company, it shall be Lawful for them their Agents, Officers, Engineers, Contractors and servants at any time to enter upon, take possession of, and use such land, not exceeding

one hundred feet in width along the line of said road; subject, however, to the payment of such compensation as the Company may have agreed to pay therefore, or such as shall be ascertained in the manner hereinafter directed and provided, in such cases respectively; and said Company are further authorized by the Offices, Engineers, Agents and Servants, to enter upon lands adjacent to the Railroad, beyond the limits of one hundred feet in the manner provided in this act, when necessary for the purpose of erecting depot buildings, Station Houses, and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary, beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit Earth, Gravel and Stone, taken from cuts, and to obtain Earth, Gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing however, no unnecessary damage; and all damage which shall be done to any lands or property under the provisions of this Section, shall be ascertained and paid for in the manner and agreeably to the provisions of this act; and when such damage shall have been paid or tendered, the title to the land occupied by such buildings, fixtures, excavations, and embankments, shall vest in fee simple in said Company agreeably to the provisions of this act, and it shall further be Lawful for said Company to purchase and hold in fee simple, lands adjoining or adjacent to said road for the purpose of procuring Earth, Gravel, or other materials for embankments, and structures necessary to the construction and repairs of said road and necessary buildings, and when ever such lands shall be no longer needed for the purposes aforesaid, the said Company is hereby authorized to sell and convey the same.

Direct water-courses.

On payment of damages title to vest.

Mode of settling disagreements as to damages.

Sec. 12. The said Company shall have the right to enter upon any lands required for their use, as provided in the eleventh Section of this Act, and to survey and lay out said road, not exceeding one hundred feet in width, and the said Company shall, if possible, agree with the owner of said lands as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same; and if the person or persons owning or possessing the legal or equitable title, lien or in-

cumbrance, shall be a minor, non compos mentis, insane, or married woman, or under any legal disabilities, then, with the guardian of such person, or the husband of such married women; and if said Company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration, in the manner following, to wit: The said Company shall select a disinterested arbitrator, and such owner, guardian, or husband, shall select another, who shall be disinterested and not of kin to him, or if they should neglect or refuse for the space of three days after being notified by said Company, so to do, or if they be non-residents of this State, they shall be notified by mail by letter signed by the Secretary and addressed to their usual place of residence, to select such arbitrators, and if they shall refuse or neglect for the space of sixty days after mailing such letter, then in all cases of neglect and refusal as aforesaid, the Judge of the Circuit Court of the county in which such land shall lie, shall appoint three competent persons to act as arbitrators who shall not be of kin to the claimant, or in any manner interested in said Company, and the said arbitrators, having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said Company to such persons for the land so taken, and shall deliver a copy of their award, in writing, to each of the parties, and if the amount awarded by said arbitrators shall be more than said Company shall have previously offered to pay, then said Company shall pay all the expenses of said arbitration, and if it shall be less, then the other shall pay such costs; and either party may, within ten days after receiving a copy of such award, appeal from the same to the Circuit Court of such county, by giving written notice of such appeal to one of the arbitrators, and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said Court, and the said Court shall enter said cause on its docket, setting down the claimant or claimants as plaintiff, and the said Company as defendants, and the said Court shall proceed to ascertain the amount of compensation to be paid by said Company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were, by this Act, required to take into consideration, and the said Court shall thereupon proceed to render judgment in favor of such claimant against said Company; and if the amount so found for such claimant, shall exceed the amount

so found by said arbitrators, then judgment shall be rendered against said Company for costs; and if it shall not exceed the amount so found by said arbitrators, then judgment shall be rendered in favor of said Company for costs, and against said claimant, and when such compensation, so to be ascertained according to the provisions of this Act, shall be paid or tendered to the party entitled to the same, the title to said land shall vest in said Company in fee simple; and a copy of such award or judgment, filed in the office of the Register of Deeds of the county in which the lands lie, shall be sufficient evidence of such title, and the said Company shall have full power and authority pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possession of said lands, for all the lawful purposes of said corporation, and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding, either at law or equity.

Company may occupy lands while proceedings are pending.

May cross highways, streams, &c.

Sec. 13. The said Company may construct said Railroad across any public or private road, highway, stream of water or water course, if the same shall be necessary; but the said Company shall restore such road, highway, stream of water or water course, to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, stream of water or water course, to the owner or to the public.

May receive freight.

Sec. 14. On the completion of said Railroad, or any Section of the track not less than five miles, it shall and may be lawful for the Company to demand and receive such sum or sums of money, for passage and freight of persons and property, as they shall, from time to time, think reasonable.

May connect with other roads.

Sec. 15. The said Company shall have power to connect said Railroad and operate the same with other Railroads in the State of Wisconsin, coming in contact therewith, and any Railroads in the State of Illinois that may be chartered to the State line of Wisconsin, coming in contact therewith, and consolidate the Capital Stock of said Company with the Capital Stock of any Railroad Company with which the roads of said Companies shall intersect; and shall have full power to place the road of the Company and its Capital Stock, so consolidated, under the direction of a joint Board of Directors, of not less than nine nor more than fifteen, to be chosen as the directors of the

Companies consolidating their Capital Stock shall direct and agree upon.

Sec. 16. If any person shall wilfully and knowingly injure or destroy the Railroad so to be constructed by said Company, or any part thereof, or any work, building or machinery attached to or in use upon the same, belonging to said Company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road, such person or persons so offending shall, each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of the damages caused by such offence; which may be recovered in the name of said Company, by action of debt, in any Court having competent jurisdiction in the county wherein the offence shall be committed; and such person or persons so offending shall be punished by fine and imprisonment, or either, at the discretion of the Court. Penalties for injuring the road.

Sec. 17. The said Company before opening their road through enclosed grounds, shall erect such fencing as shall preserve such enclosure entire, and shall before they commence to use their road as a Railroad, erect a good and sufficient fence on both sides of the said road through all such enclosed ground, and shall maintain the same. Road to be fenced in.

Sec. 18. This Act is hereby declared to be a public Act, and shall be favorably construed to effect the purpose thereby intended; and copies thereof, printed by the authority of the State, shall be received as evidence thereof in all cases.

Sec. 19. This Act shall take effect and be in force from and after its passage.

Approved, March 4, 1853.

An act to declare the Baraboo River a Navigable Stream.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 61.

SECTION 1. That the Baraboo River from its mouth, in the County of Columbia, to the East line of Township thirteen (13,) North of Range one (1) East be and is hereby declared a navigable stream.

Sec. 2. The Supervisors of the several towns through which said river runs, shall have authority to construct or authorize the construction of such bridges across said Bridges.

stream as the convenience of the public requires; *Provided*, That no bridges shall be constructed across said stream which shall in any way obstruct the navigation thereof.

Sec. 3. This act shall take effect from and after publication.

Approved, March 4, 1853.

An Act to Incorporate the Wisconsin Central Railroad Company

Chap. 62.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Commission-
ers.

SECTION 1. Hugh McFarland, J. J. Guppy, George Griswold, A. G. Cook, A. P. Birdsey, John E. Ho Sheldon C. Hall, George G. Williams, Sanger Marshall H. Brady, William C. Allen, S. S. Barlow, H. S. W Otis Preston, Charles M. Baker, Andrew Fergerson, T thy C. Smith, William D. Chapin, James S. Stilson, S Ford, Thomas McMahan, T. B. Edwards and A. C. K shall be and they are hereby appointed Commissioners under the direction of a majority of whom subscriptions may be received to the Capital Stock of the Wisconsin Central Railroad Company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the Capital Stock of said Company, first giving ten days notice of the times and places, by publishing the same weekly in some public newspaper printed in the counties of Walworth, Jefferson and Columbia.

Books to be
opened.

Capital stock.

Sec. 2. The Capital Stock of said Company shall be one million dollars, in shares of one hundred dollars each, and may be increased to the amount of twenty thousand dollars for each mile of Railroad which they are authorized to construct, and as soon as two hundred shares shall have been subscribed, and five dollars on each share actually paid in, the subscribers of such Stock, with such other persons as shall become associated with them for that purpose, their successors and assigns, shall be, and they are hereby created and declared a body corporate and politic, by the name and style of the "Wisconsin Central Railroad Company," with perpetual succession, and shall and enjoy all the privileges, franchises and immunities incident to a corporation, they shall be capable in law of purchasing, holding, selling, leasing and conveying real estate, either real, personal or mixed; they may make, and use a common seal, and may alter, break or renew

Powers.

same at pleasure ; and by that name may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular the Acts and matters which to any corporation it shall lawfully appertain to do, and perform for the well being of the said corporation.

Sec. 3. The said Commissioners, or a majority of them, after the said two hundred shares of Stock shall have been subscribed as aforesaid, shall close the books of subscription, and shall give at least thirty days notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the Stockholders to meet, for the purpose of electing thirteen Directors, and the Directors thus elected shall hold their offices until the next annual meeting of the Stockholders for the election of Directors, and until other Directors are elected. Election of directors.

Sec. 4. The affairs of said Corporation shall be managed by a Board of thirteen Directors, who shall be Stockholders. They shall be chosen annually by ballot at the the annual meeting of the Stockholders, which shall be on the fourth Monday of December in each year, by the Stockholders of said Company, incorporated by the Legislature of this State, on like notice as herein prescribed for the first election of Directors. The votes shall be delivered in person or by proxy duly authorized, and in all cases in which Stockholders shall vote, each share of Stock shall be entitled to one vote, and in all elections of Directors those Stockholders equal to the number to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the By-Laws of the Company. If from any cause an election of Directors shall not be had at the time, when by the provisions of this Act it should be held, the same may be had at any other time on thirty days notice to be given as aforesaid, and until such election be had, the Directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities, by the reason of the irregularity or want of such election. The Board of Directors may at any time increase or diminish the number of Directors to be elected at the next annual meeting of the Stockholders ; *Provided*, the number shall not be less than seven nor more than fifteen, and in case of such increase or diminution, the Manner of election.
Provision in case the election is not held at the proper time.
Proviso.

number to be elected shall be specified in the notice of election.

President and
other officers,

Sec. 5. A majority of the Board of Directors shall be a quorum for the transaction of any business, they shall meet at such times and places, and be convened in such manner as they shall decide upon; they shall elect by ballot one of their own number to be President, who shall when present, preside at all meetings of the Directors, and when absent, the Directors may appoint a President pro tem. The said Directors shall appoint a Secretary, Treasurer, and such Engineers, Superintendents, Agents, and other officers, as they may find necessary, fix their compensation, and may demand adequate security for the performance of their respective duties and trusts, and may fill any vacancy which may occur in their own Board; the Directors shall have power to re-open the books for subscription to the Capital Stock of the Company, or open new books under their own direction or the direction of a majority of them, or under the direction of such person or persons as they may designate; they shall prescribe the time, manner and proportions in which said Stockholders shall pay the money due on their respective shares, and to forfeit to the use of the Company the share or shares of any person failing to pay any instalment so required, to regulate tolls and charges for the transportation of freight and passengers, to make such covenants, contracts and agreements with any person or persons, co-partnerships or corporation whatsoever, as the execution and management of the works, convenience and interests of the Company may require; to make any contract or agreement which they shall think proper, with any other Railroad Company, for the leasing or purchasing the whole or any part of any Railroad, constructed or to be constructed by such Railroad Company; to make and establish such By-Laws, Rules, Orders and Regulations, not inconsistent with the Constitution and Laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said Company, and in general to superintend and direct all of the appropriations, receipts, disbursements, and all other affairs and proceedings of said Company.

Powers of directors.

Certificates of
stockholders.

Sec. 6. The Directors shall issue a certificate or certificates to the Stockholders for the number of shares held by them respectively in said Corporation, signed by the President and Secretary, and sealed with the common seal of the Company, subject however, to all the payments due, or to grow due thereon; which Stock shall be transferable

in such manner as shall be provided by the By-Laws of the Company.

Sec. 7. At each annual meeting of the Stockholders for the election of Directors, the Directors of the preceding year shall exhibit to them a complete statement of the affairs and doing of the Company for such year. Special meetings of the Stockholders may be called by order of the Directors, or by Stockholders holding one-fourth of the Capital Stock, on like notice as that required for annual meetings, specifying the object of the meeting.

Annual statement.

Sec. 8. The said Company shall have power to locate and construct a Railroad with one or more Railways or tracks from Portage city, by way of the village of Columbus in Columbia county, and the village of Whitewater in Walworth county, to the village of Genoa in Walworth county, on such route as shall be determined upon by the Board of Directors, and to connect the said Railroad with any other Railroad with which it may come in contact or which it may intersect; and the said Company shall have power to transport, take and carry property and persons upon such road by any power and force whatever, and to make, construct and put in operation, all such turnouts, side tracks, and connecting tracks, as they shall think will promote the interests of the Company; and to erect and construct all such depots, station houses ware houses, car houses and shops, engine houses, and shops, toll houses, machine shops, and all other fixtures useful for the accommodation of said road, and of those using it; to manufacture or purchase all necessary engines, tenders, cars, and other conveniencies for running said road, and they shall have power to connect the said Railroad with any Railroad or branch Railroad, and to operate the same in connection with such other Railroad or branch Railroad, and to lease or purchase from any other Railroad Company, the whole or any part of any Railroad or branch Railroad owned by such Company; and to consolidate the Capital Stock of the said Railroad Company with that of any other Railroad Company in Wisconsin, with which it may intersect.

Route of the road.

May connect with other roads.

Sec. 9. The said Company is hereby authorized and fully empowered in its corporate capacity, to borrow any sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said Company and any person or party of whom such money may be obtained, and to make, execute, and deliver all necessary

May borrow money.

writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment or running of said road, and the powers of the said Corporation for the purposes aforesaid, and for all purposes necessary to carry out the object of said Company, namely: the construction of a Railroad from and to the points aforesaid, are hereby ratified and confirmed, and the contracts and official acts of said Company are declared binding in law and equity upon said Corporation, and upon all other parties to such contracts.

Condition of
the charter.

Sec. 10. If said Corporation shall not, within three years from the passage of this Act, commence the construction of said road, and within ten years complete the same, then the rights, privileges and powers of said Corporation, under this Act, shall be null and void.

May enter up-
on land.

Sec. 11. It shall be lawful for said Company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, and when the said route shall be determined by said Company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such land not exceeding one hundred feet in width along the line of said road, subject however, to the payment of such compensation as the Company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided, in such cases respectively, and said Company are further authorized, by their officers, engineers, agents and servants, to enter upon lands adjacent to the Railroad, beyond the limits of one hundred feet in the manner provided in this Act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures, for the operation and for the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel and stone, taken from cuts, and to obtain earth, gravel and other materials for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage, and all damage which shall be done to any lands or property under the provisions of this Sec-

tion, shall be ascertained and paid for in the manner and agreeably to the provisions of this Act, and when such damage shall have been paid or tendered, the title to the the lands occupied by such buildings, fixtures, excavations and embankments, shall vest in fee simple in said Company, agreeably to the provisions of this Act; and it shall further be lawful for said Company to purchase and hold in fee simple, lands adjoining or adjacent to said road, for the purpose of procuring earth, gravel or other materials for embankments and structures necessary to the construction and repairs of said road, and necessary buildings, and whenever such lands shall be no longer needed for the purposes aforesaid, the said Company is hereby authorized to sell and convey the same.

Sec. 12. The said Company shall have the right to enter upon any lands required for their use, as provided in the eleventh section of this act, and to survey and lay out said road, not exceeding one hundred feet in width, and the said Company shall, if possible, agree with the owner of said lands, as to the amount of compensation to be paid for said lands, whether such persons shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same; and if the person or persons owning or possessing the legal or equitable title, lien or incumbrance, shall be a minor, non compos mentis, insane, or married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman, and if said Company cannot agree with the owner or owners of such required land, or with such Guardian or husband, for the purchase thereof, or as to the compensation to be paid therefor, or when by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then and in that case it shall be lawful for any Judge of the Supreme or Circuit Court of this State, on application of the said Company, and at the costs and charges of said Company, to appoint three disinterested persons, residing in any county through which the said road runs, to view and examine the lands so taken in such county with the buildings and improvements, if any thereon, and to estimate the value of the land so taken, or required by the said Company, and all damages which the owner or owners thereof shall sustain, or may have sustained by reason of the taking of the same for the construction and use of the said road, or works appertaining thereto, and it shall be the duty of the said Company, to give three weeks

Agreement as to compensation how arranged.

notice of their application to the Judge for the appointment of the said Commissioners, to be published for three successive weeks in a newspaper published in such county or if there be no paper published in said county, then in a newspaper published at the Capitol of this State, and the affidavit of the publisher or printer shall be legal evidence of such publication. And the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some Justice of the Peace, or other person competent by law to administer oaths, faithfully, and according to the best of their abilities, to examine the land so taken, or required by said Company, and impartially to estimate and appraise the value of the same, and the damages or injury which the owner or owners—thereof, shall have sustained or may sustain by reasons of the taking thereof by the said Company, and the said Railroad Company shall cause notice to be given to the owner or owners of each track or parcel of land, or his or their Attorney, or Agent, or to his or their Guardian, or Guardians, or to the husband of any such married woman, as the case may be, of the time and place, when and where such Commissioners will meet to make their said estimate and appraisal, which notice shall be given at least five days previous to the time so appointed either personally, or by a written notice left at the place of residence of the owner, Attorney, Agent, Guardian or husband as the case may be, if residing in this State; or in case such owner, Attorney, Agent, husband or Guardian does not reside in this State, or cannot be formed therein, then by publication for four successive weeks, in a newspaper printed in the county where the land lies, or if no newspaper be printed therein, then in a newspaper printed at the Capitol of this State; and on satisfactory proof that such notice has been given, or with the consent of such owner, Attorney, Agent, Guardian or husband." Such Commissioners shall proceed to examine the premises, and estimate the value of such land, and the amount of damages, if any, which may accrue to such owner or owners as aforesaid, and shall make a report in writing of such valuation, under their hands and seal, to the Circuit Court of the county, where the land lies, and shall return the same within thirty days after their appraisal, to the Clerk of the Circuit Court of the county in which they reside, and it shall be the duty of the Clerk of the said Court to file the same, and unless an appeal be taken therefrom, judgment of the said Court shall

be entered thereon, on motion of either party at any term of said Court; *Provided*, That either party may appeal to said Court within thirty days after said report shall have been filed in the said Clerks Office, by entering a written notice—thereof with the Clerk of the Court. Said Court shall enter said cause on its docket, setting down the claimant or claimants as plaintiff's, and the said Company as defendant, and the said Court shall proceed to ascertain the amount of compensation to be paid by said Company to said complainant, taking into consideration all the facts and circumstances which said Commissioners were by this act, required to take into consideration, and the said Court shall thereupon proceed to render judgment in favor of such claimant against said Company, and if and amount so found for such claimant shall exceed the amount so found by said Commissioners, then judgment shall be rendered against said Company for costs. If it shall not exceed the amount so found by said Commissioners, then judgment shall be rendered in favor of said Company for costs, and against said claimant, and when such compensation, so to be ascertained according to the provisions of this act, shall be paid or tendered to the party entitled to the same, the title to said land shall vest in said Company in fee simple, and a copy of such award or judgment, filed in the Office of the Register of Deeds of the county in which the lands lie, shall be sufficient evidence of such title, and the said Company shall have full power and authority pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possession of said lands for all the lawful purposes of said Corporation, and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy, and enjoyment by any proceeding either at law or equity.

Proviso.

Company to occupy lands while proceedings are pending.

Sec. 13. The said Company may construct said Railroad across any public or private road, Highway, Stream of water, or water course if the same shall be necessary, but the said Company shall restore such road, Highway Stream of water, or water course to its former State, or in a sufficient manner not to impair the usefulness of said road, Highway, Stream of water, or water course to the owner or to the public.

May cross highways and water courses.

Sec. 14. On the completion of said Railroad, or any Section of the track not less than five miles, it shall and may be lawful for the Company to demand and receive

Provision for demanding freight.

such sum or sums of money for passage and freight of persons and property, as they shall from time to time, think reasonable.

Penalties for
injuring road.

Sec. 15. If any person shall wilfully and knowingly injure, or destroy the Railroad so to be constructed by said Company, or any part thereof, or any work, building, or machinery attached to, or in use upon the same belonging to said Company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road, such person or persons so offending, shall each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of the damages caused by such offence, which may be recovered in the name of said Company, by an action of debt, in any Court having competent jurisdiction in the county wherein the offence shall be committed, and such person or persons so offending shall be punished by fine and imprisonment, or either, at the discretion of the Court.

Road to be
fenced.

Sec. 16. The said Company before opening their road through enclosed ground shall erect such fencing as shall preserve such enclosure entire, and shall before they commence to use their road as a Railroad erect a good and sufficient fence, and both sides of their road through all such enclosed grounds, and shall maintain the same.

Public Act.

Sec. 17. This act is hereby declared to be a public act, and shall be favorably construed to effect the purpose thereby intended, and copies thereof printed by the authority of the State shall be received as evidence thereof in all cases.

Sec. 18. This act shall take effect, and be in force from and after its passage.

Approved, March 4, 1853.

Chap. 63.

An act to amend the Charter of the town of Green Bay and enable the Corporation to aid in the Construction of certain roads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Style of Corporation.

SECTION 1. That the Corporation of said town shall be hereafter known and styled, the President and Trustees of the Borough of Green Bay, and by such name shall have all the powers heretofore granted by law to the said Corporation.

Sec. 2. That the President and Trustees of said Borough shall have authority to subscribe in behalf of said

Borough to the Capital Stock of any Rail or Plank road which is now or may thereafter be incorporated, for the purpose of constructing roads passing through or terminating in said town or on the Fox River opposite said Borough, to the amount of one hundred thousand dollars; *Provided*, However that if in the opinion of said President and Trustees, the interest of said Borough shall hereafter require it, it shall be lawful to increase said Subscription from time to time, until the aggregate amount of Subscription shall equal the amount of two hundred thousand dollars.

President and Trustees may subscribe to Stock.

Proviso.

Sec. 3. In order to provide for the payment of the installments on the Stock Subscribed as aforesaid, the said President and Trustees may borrow on the faith of said Borough, any sum or sums of money not exceeding in the aggregate the whole amount of the installments to become due on such Stock at a rate of interest not exceeding eight per cent, per annum, and for a term of not exceeding twenty years, and in order to provide for the payment of the installments, becoming due on such Stock in case the same shall not have been provided for by law or otherwise, and also in order to provide for the payment of the interest and principal of any loan made in pursuance of this act, the said President and Trustees shall levy annually a tax on the real estate within the incorporated limits of said Borough not exceeding one per cent on the assessed value of such property; *Provided*, That if in any year the exigency of the case may require it, such tax may be increased to any rate not exceeding two per cent on such assessed value.

May borrow money.

Proviso.

Sec. 4. Every person who shall pay such tax shall be intitled to receive from the Treasurer of said Borough a receipt therefor specifying the sum paid and for what object and such receipt or receipts shall upon their surrender to the proper officer of said Borough entitle the holder or assigne thereof to a transfer from said Borough of a share or shares of such Capital Stock subscribed as aforesaid equal in amount to the amount of such receipts; *Provided*, That in estimating the value of such shares, in case the installments on the same shall have been paid for with the proceeds of any loan herein authorized, interest on such installments shall be included.

Receipt for paying such Tax.

Proviso.

Approved, March 7, 1853.

Chap. 65.

An Act to amend Chapter 476 of the Session Laws of 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Ferriage.

SECTION 1. Section three of Chapter four hundred and seventy-six, of the Session Laws of 1852, is hereby amended so as to read as follows : The said Wm. Hood and Peter Burns shall be entitled for crossing any vehicle drawn by two or more horses or oxen, one dollar ; for any vehicle drawn by one horse, seventy-five cents ; for a single horse, fifty cents ; for each head of cattle or mules, twenty-five cents ; for each head of hogs or sheep, ten cents ; for passengers, twenty cents each.

Approved, March 7, 1853.

Chap. 65.

An Act to incorporate Allen's Grove Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Incorporated.

SECTION 1. Asa K. Allen, Gaylers Blair, Pliny Allen, Ezra P. Hale, Philip Allen, Jacob S. Curtis, J. C. Allen, B. G. Dow, Harvey Allen, James A. Scofield, Sidney Allen, Allen Wheeler, and their associates, together with such other persons as may be hereafter associated with them, be and are hereby created a body corporate and politic, with perpetual succession, to be styled by the name and title of the "Allen's Grove Academy," to be located in the village of Allen's Grove in the county of Walworth, for the purpose of Educating youth of either or both sexes.

Powers of Incorporation.

Sec. 2. The said Corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all Courts of Law and Equity ; it shall have a common seal, and may alter or renew the same at pleasure ; shall have power to acquire, purchase, receive, possess, hold and enjoy property, personal and real, and to sell, convey, rent, or other wise lawfully dispose of the same at pleasure.

Division of Stock.

Sec. 3. The Stock of said Company shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said Corporation in such manner as shall be directed by the By-Laws of said Company.

Meetings.

Sec. 4. Any six of the above named persons shall have power to call a meeting of said Association by giving ten days notice thereof of the time when and place where such meeting is to be held, by posting up notices in at least

three public places in the said village of Allen's Grove, where said Corporation is hereby located.

Sec. 5. At the first legally notified meeting, the Stockholders shall have power to elect by ballot from their number Nine Trustees, three of whom shall be elected for one year, three for two years and three for three years; and after the first election, the three Trustees may be elected by the Stockholders annually; *Provided* always, That all Trustees shall hold their offices until others are elected in their place. Trustees elected.

Sec. 6. At all elections and meetings of the Company each Stockholder shall be entitled to one vote for each share of Stock owned by him, and may vote either in person or by proxy. Voting.

Sec. 7. The Trustees shall have power, *First*, to elect from their number a President, Secretary and Treasurer, also to elect all the subordinate officers of the Corporation. Power of Trustees.

Second,—To call special meetings of the Stockholders, to fill vacancies in the Board of Trustees.

Third,—To sell, lease, mortgage or otherwise dispose of any real or personal property of said Corporation, in such manner as they shall deem most conducive to the interests of said Academy. Also, to erect and keep in repair all necessary buildings for the use of said Corporation.

Fourth,—To employ suitable teachers and prescribe and direct the course of studies and disciplined to be observed in said Academy.

Fifth,—To prescribe and fix the salaries of all the officers of said Academy, and to remove and suspend them from office for incapacity, immoral conduct, or misbehaviour in office, and to procure and appoint others in their place.

Sixth,—To make all such Regulations and By-Laws necessary and proper to carry into effect the powers herein granted, and not inconsistent with the Constitution and Laws of this State.

Sec. 8. This Act may be amended or altered by any future Legislature.

Approved, March 7, 1853.

An act to authorize the Town of Potosi in Grant County, to aid in the Construction of a certain Rail Road.

Chap. 66.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Authorized to subscribe to Stock. SECTION 1. The Board of Supervisors of the town of Potosi in the County of Grant are hereby authorized to subscribe for the town of Potosi, not exceeding fifty thousand dollars to the Capital Stock of a Railroad Company, known as the "Potosi and Dodge Ville Railroad Company," and to pay for the same in the Bonds of said town, payable in twenty years, with interest payable annually, not exceeding ten per cent.

Stock pledged. Sec. 2. The shares of Stock in said Railroad Company, thus taken by said town, and all dividends arising from the same, are hereby irrevocably pledged, for the payment of the principle and interest of said Bonds; *Provided*, However, that the Board of Supervisors of said town may sell such shares, but the proceeds thereof and interest, shall still be pledged to pay the principle and interest of said Bonds.

Tax to pay interest. Sec. 3. The Board of Supervisors of the town of Potosi, whenever the same shall become necessary, shall annually levy a tax upon the taxable property of said town, sufficient to pay the interest upon such bonds after deducting the dividends due to such town on said shares of Stock.

Board Supervisors to appoint Railroad Commissioner. Sec. 4. The Board of Supervisors of said town shall annually appoint one Railroad Commissioner, who shall attend the annual or special meeting of the Stockholders of said Rail road Company, for the Election of Directors thereof, and shall be entitled to cast, one vote for every share of Stock which said town shall hold in said Railroad Company, or in case of his absence or inability to attend, to appoint in writing under their hands, some other person who shall have the same power.

Town to vote on question first. Sec. 5. No Bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal votes of said town, voting upon said question, shall vote in favor of the same, at an Election called by the said Board of Supervisors for that purpose, to be held in the village of Potosi. At such Election those voting in favor, shall vote a ballot with the words subscribed thereon: "For the Railroad." And those voting against shall vote a ballot with the words subscribed thereon; "Against the Railroad." Two weeks previous notice of said Election shall be given in a public newspaper printed in the village of Potosi, and this act shall be published in connection there-

with, said Election shall be conducted, and the returns thereof made and canvassed in the same manner as the annual town meeting of the said town.

Sec. 6. This act shall take effect immediately.

Approved, March 7, 1853.

An Act to amend an act entitled "An Act to incorporate the Mineral Point Railroad Company." Approved, April 17, 1852.

Chap. 67.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Directors of the Mineral Point Railroad Company may at any time increase or diminish the number of Directors to be elected at the annual meeting of Stockholders; *Provided*, the number shall not be less than five nor more than fifteen; and in case of such increase or diminution, the number to be elected shall be specified in the notice of election. A majority of Directors shall at all times be a quorum for the transaction of business.

Condition of increasing number of Directors.

Sec. 2. The said Directors shall have power to fill any vacancy which may occur in their own Board, and they are hereby invested with all the powers of the said Corporation; they shall also have power to re-open the books for subscription to the Capital Stock of said Company, under their own direction, or the direction of any one or more of them, of such other person or persons as they may designate; and all subscriptions heretofore made to the Capital Stock of said Company, under the direction, authority or approbation of said Directors, are hereby declared valid and obligatory upon said Subscribers and said Company.

Powers of Directors.

Sec. 3. All shares of Stock in this Company owned by any person, shall be deemed personal property, and shall be transferable in such manner and form as shall be prescribed by the By-Laws of said Company.

Stock personal property.

Sec. 4. The Directors of this Company shall have power to fix and determine upon the route of said Railroad, including its commencement, termination, and all intermediate points, *Provided*, such commencement and termination shall be as prescribed in Section nine, Chapter four hundred and fifteen, Session Laws of 1852, without requiring a vote of the Stockholders as provided in the ninth Section of the Act of which this is amendatory, and the Capital Stock of said Company shall consist of twenty thousand shares of one hundred dollars each, instead of

Directors may determine route of the road.

the amount prescribed in the Act of which this is amendatory.

May borrow
any money.

Sec. 5. The said Company is hereby authorized and fully empowered in its corporate capacity, to borrow any sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said Company and any person or party of whom such money may be obtained, any law on the subject of usury in this State or any other State, where such transactions may be had, to the contrary notwithstanding; and to make, execute or deliver in such manner and form as they shall by resolution or By-Laws prescribe, all necessary writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said Corporation, in consideration of any such loan, or in the discharge of any liabilities that it may incur in the construction, repair, equipment or running of said road; and the powers of said Corporation for the purposes aforesaid, and for all purposes necessary to carrying out the objects of said Company as specified in this Act, and in the Act of which this is amendatory, are hereby ratified and confirmed; and the contracts hereafter to be made, and official acts of said Company, and its proper officers and agents, declared binding in law and equity upon said Corporation and upon all other parties to such contracts.

Capital stock.

May enter up-
on land.

Sec. 6. It shall be lawful for the said Company, by its officers, engineers and agents, to enter upon and take to the use of said Company, lands adjacent to the route of said Railroad beyond the limits provided in the Act of which this is amendatory, when necessary for the purpose of erecting depot buildings, station houses and necessary fixtures for the operation and the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road when the same are necessary, beyond the limits of said road, and to remove all substances and things which might endanger, obstruct or interfere with the free use of said road, and to deposite earth and gravel, and stone, taken from deep cuts, and to obtain earth, timber, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road; doing no unnecessary damage; subject however, to the payment of reasonable compensation for the lands adjacent to the route of said Railroad, which may be entered upon and taken; which compensation shall be ascertained and made in the

Direct water-
courses.

On payment
of damages ti-
ble to vest.

same manner as is provided in the twelfth Section of the Act of which this is amendatory, for the ascertaining and making of compensation for land entered upon and taken for the route of said Railroad.

Sec. 7. Whenever the compensation for any land entered upon and taken by said Company, for the route of said Railroad or for the land adjacent to the route of said road, as prescribed in the last preceeding section to be ascertained according to the provisions of this act, and the act of which this is amendatory, shall be paid or tendered to the party entitled to the same, the title to said land shall vest in said Company in fee simple.

Title to the land to vest in the company.

Sec. 8. If there shall be incumbrances upon the land so entered upon, and taken by said Company for the route of said Railroad, or for the land adjacent thereto, as aforesaid, it shall be sufficient for said Company to deposite the amount of compensation to be ascertained, with the Clerk of the Court of the County where the land lies.

When land is incumbered.

Sec. 9. It shall be the duty of the persons appointed to ascertain the amount of compensation to be paid for any land entered upon or taken by said Company, to make out duplicate statements of their report, and to deliver or cause to be delivered, one to the owner or occupant of said land if he resides in the County where the land lies or shall be present, and the other to the said Company, and a copy of such statement recorded in the Office of the Register of Deeds, of the County where said land lies and the paymant or tender of the amount thereof; and in case of incumbrances, the deposite with the Clerk, as provided in the last preceeding section, shall be sufficient evidence of the title in fee simple to said lands vested in said Company; and the said Company shall have full power and authority, pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, accupy, and enjoy the peaceable and uninterrupted possession of said lands, for all the lawful purposes, of said Corporation, and they shall not, while such proceedings shall be pending, nor until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either at law or in equity.

Appraisers to make duplicate statement.

Compensation deposited with clerk evidence of title.

Sec. 10. The said Company shall have the right and authority to construct the said Railroad upon and along, across, over or under any public or private Highway, road or street, and over any stream of water or water course, if the same shall be necessary, but the said Company shall

May cross other thoroughfares.

restore such road, highway, street, stream of water or water course to its former State; or in a sufficient manner not to impair the usefulness of said road highway, street, stream of water or water course.

Company to have 100 feet in width where road passes through state lands.

Sec. 11. In case the said Company shall locate the line of their Railroad on any lands belonging to the State, the said lands to the extent of one hundred feet in width along the line of said road, are hereby granted to said Company, so long as said Company may need the same for the purposes of said road, together with such other lands adjacent to said Railroad beyond the limits of said one hundred feet as shall be necessary for the purpose of erecting depot houses, buildings, station houses and necessary fixtures or of obtaining earth gravel, for embankments and structures necessary to the construction or repairs of said road or for the purpose of making drains, and giving a proper direction to water courses or for the purpose of depositing earth, gravel or stone taken from deep cuts.

Sec. 12. So much of the act of which this amendatory as, conflicts, or is inconsistent with the provisions of this act is hereby repealed.

Approved, March 7, 1853.

Chap. 68.

An Act to incorporate the Green Bay and Minnesota Rail Road Company,
The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. That Morgan L. Martin, Timothy O. Howe, Otto Tank, Joel S. Fisk, Daniel Butler, Uriah H. Peak, Francis Desnoyer, George H. Wood, Randall Wilcox, Curtis R. Merrill of Brown County, Albert G. Ellis, and Abram Brawley of Portage county and Walter D. McIndoe of Marathon County, and J. J. Foster, James M. Bailey, Daniel Mears of St. Croix County, be and they are hereby appointed Commissioners under the direction of a majority of whom, subscriptions may be received to the Capital Stock of the Green Bay and Minnesota Rail road Company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the Capital Stock of said Company, first giving thirty day notice of the times and places of taking such subscription by publishing the same, weekly, in a public newspaper printed in the counties of Brown and Portage.

Sec. 2. The Capital Stock of said Company shall be divided into forty thousand shares of one hundred dollars each and as soon as one thousand shares of stock shall be subscribed and five dollars on each share actually paid in, the subscribers of such Stock with such other persons as shall become Stockholders in conformity with the provisions of this Act, their successors and Assigns, shall be and they are hereby declared and created a body Corporate and politic, by the name and style of the Green Bay and Minnesota Railroad Company, and by name that shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a Corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real personal or mixed, in as far as the same may be necessary for the purposes hereafter mentioned and no further; they may make, have, use a common seal, and alter, break or renew the same at pleasure, and by that name they may sue and be sued, defend and be impleaded, answer and be answered, defend and be defended, Contract and be Contracted with, and generally may do and perform all and singular, the acts and matters which to them it shall lawfully appertain to do and perform for the well being of the said Corporation.

Capital stock.

Powers of company.

Sec. 3. The said Commissioners, or a majority of them, after the said one thousand shares of Stock are subscribed, shall close the Books of Subscription, and shall give at least thirty days notice in the newspapers herein before mentioned, of the time and place by them appointed for the Stockholders to meet for the purpose of Electing thirteen Directors; and the Directors thus Elected, shall hold their Offices until the next annual meeting of the Stockholders for the Election of Directors, and until new Directors are Elected.

First meeting of stockholders.

Sec. 4. All the affairs of said Corporation shall be managed by a board of thirteen Directors, who shall be Stockholders, and who are hereby invested with all the powers of said Corporation. They shall be chosen annually by ballot, at the annual meeting of the Stockholders, which shall be held on the first Wednesday of February by the Stockholders of the said Company; on like notice as is prescribed for the first Election of Directors. The ballot shall be delivered in person or by proxy duly authorized, and in all cases in which Stockholders shall vote, one share of Stock shall be entitled to one vote, and in all elections for Directors those Stockholders equal to the number to be Elected, having the greatest number of

Directors.

Electors.

votes, shall be deemed and declared duly Elected. The Elections shall be conducted in such manner as shall be prescribed by the By-Laws of the Company. If from any cause, an Election of Directors shall not be had at the time, when by the provisions of this act it should be had, the same may be had at any other time, on thirty days notice to be given as aforesaid and until such Election be had, the Directors of the preceding year shall continue to act, and the Corporation hereby created shall not forfeit or lose any of its privileges, Franchises, or immunities by the reason of the irregularity or want of such Election.—The Board of Directors may at any time increase or diminish the number of Directors to be Elected at the next annual meeting of the Stockholders; *Provided*, The number shall not be less than five nor more than fifteen; and in case of such increase or diminution, the number to be Elected shall be specified in the notice of Election.

**Directors to
appoint offi-
cers.**

Sec. 5. A majority of the Board of Directors shall constitute a quorum for the transaction of any business, they shall meet at such times and places, and be convened in such manner as they shall decide upon; they shall elect by ballot one of their own number to be President, who shall when present, preside at all meetings of the Directors, and when absent, the Directors may appoint a President pro tem. The Board of Directors shall appoint a Secretary, Treasurer and such Engineers, Superintendents, Agents and other Officers as they may find necessary; fix their Compensation, and may demand adequate security for the discharged of their respective duties and trusts; and fill any vacancy in their own Board; the Directors shall have power to re-open the Books for Subscription to the Capital Stock of the Company, or open new Books under their own direction or the direction of a majority of them, or under the direction of such person or persons as they may designate; to decide upon the amount to be paid on such subscription, the time, and manner and proportions in which the said Stockholders shall pay subsequent instalments the money due on their respective shares and to forfeit to the use of the Company the share or shares of any person failing to pay any instalment so required to regulate tolls, and charges for the transportation of freight and passengers; to make such covenants, contract and agreements with any person or persons, Copartnerships or Corporation whatsoever, as the Execution and management of the works, and convenience and interests of the Company may require; to make any contract or

**Further pow-
ers.**

greement, which they shall think proper, with any other Railroad Company, for the leasing or purchase of the whole or any part of any Railroad, constructed or to be constructed by such Railroad Company; to make and establish such By-Laws, rules, orders and regulations, not inconsistent with the Constitution and Laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said Company, and in general to superintend and direct all of the operations, receipts, disbursements, and all other affairs and proceedings of said Company.

Sec. 6. The Directors shall issue a certificate or certificates to the Stockholders for the number of shares held by them respectively in said Corporation, signed by the President and Secretary, and sealed with the common seal of the Company; subject, however, to all the payments due or to grow due thereon, which Stock shall be transferable in such manner as shall be provided by the By-Laws of the Company.

May issue certificates to stockholders.

Sec. 7. At each annual meeting of the Stockholders for the Election of Directors, the Directors of the preceding year shall exhibit to the Stockholders a complete statement of the affairs and proceedings of the Company for such year. Special meetings of the Stockholders may be called by order of the Board of Directors, or by the Stockholders holding one fourth of the Capital Stock, on like notice as that required for annual meetings, specifying the object of the meeting.

Exhibit an annual statement.

Sec. 8. The said Company shall have power to locate and construct a Railroad, with one or more Railways or tracks, from such eligible point in the town of Green Bay or in the town of Howard, opposite Green Bay, to such eligible point on the Mississippi at the mouth of the St. Croix Lake, as shall be determined upon by the said Board of Directors, and the said Company shall have power to transport, take and carry property and persons upon said road by the power and force of steam, of animals or of any mechanical or other power, or of any combination of them, and to make, construct, and put in operation all such turnouts, side tracks, and connecting tracks, as they shall think will promote the interests of the Company; ware houses, car houses and shops, engine shops, toll houses, machine shops, and all other fixtures useful for the accommodation of said road, and of those using it; to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running said road; and they shall have power

Route.

Turnouts and side tracks.

to connect the said Railroad with any other Railroad or branch Railroad in Minnesota, to operate the same in connection with such other Railroad or branch Railroad, and to lease or purchase from any other Railroad Company, the whole or any part of any Railroad or branch Railroad owned by such Company, or to lease or to sell to any other Company the whole or any part of the Railroad or any of its branches, to be built or owned by this Company.

Company may
borrow money.

Sec. 9. The said Company is hereby authorized and fully empowered in its Corporate capacity, to borrow any sums of money from any person or persons, Corporation, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said Company and any person or party of whom such money may be obtained; any law on the subject of usury in this State to the contrary notwithstanding; and to make execute, and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said Corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction repair, Equipment or running of said road, and the powers of said Corporation for the purposes aforesaid, and for all purposes necessary to carry out the object of said Company namely, the construction of a Railroad from and to the points aforesaid, are hereby ratified and confirmed, and the contracts and official acts of said Company are declared binding in law and Equity upon said Corporation, and upon all other parties to such contracts.

Condition of
the charter.

Sec. 10. If said Corporation shall not, within three years from the passage of this act, commence the construction of said Railroad, and in ten years expend thereon twenty five thousand dollars, from the time aforesaid complete the same, then the rights, privileges, and powers of said Corporation, under this act, shall be null and void.

May enter upon
lands.

Sec. 11. It shall be Lawful for said Company, their Officers, Engineers and Agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said Railroad, doing *thereto* no unnecessary damage, and when said route shall be determined by said Company, it shall be lawful for them their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of, and use such land, not exceeding one hundred feet in width along the line of said road; subject, however, to the payment of such compensation as the Company may have agreed to pay therefore, or

shall be ascertained in the manner hereinafter provided, in such cases respectively; and it shall further be lawful for said Company by their offices, engineers and agents to enter upon lands adjacent to the Railroad, beyond the limits provided in this Act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation and the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary, beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, Gravel and stone, taken from the deepcuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing however, no unnecessary damage; and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provisions of this act; and when such damage shall have *been* paid or tendered, the title to the land occupied by such buildings, fixtures, excavations, and embankments, shall vest in fee simple in said Company agreeably to the provisions contained in this act, and it shall further be Lawful for said Company to purchase and hold in fee simple, lands adjoining or adjacent to the Railroad for the purpose of procuring earth, gravel, or other material for embankment, and structures necessary to the construction and repairs of said road and necessary buildings, and whensoever such lands shall be no longer needed for the purposes aforesaid, the said Company is hereby authorized to sell and convey the same.

Compensation
for damages.

Sec. 12. In case said Company shall locate the line of their Railroad on any lands belonging to the State, the said lands to the extent of one hundred feet in width along the line of said road, are hereby granted to said Company in fee simple so long as said Company may use and occupy the same for said road.

Lands belong-
ing to the
state.

Sec. 13. The said Company shall have the right to enter upon any lands required for their use, as provided in the eleventh Section of this Act, and to survey and lay out said road, not exceeding one hundred feet in width, and the said Company shall, if possible, agree with the owner of said lands as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same; and if the person or persons

May enter up-
on lands and
pay compensa-
tion to owner.

Proceedings
where lands
are incumber-
ed.

Proceedings
where the can-
not agree with
the owners.

owning or possessing the legal or equitable title, lien or incumbrance, shall be a minor, non compos mentis, insane, or married woman, or under any legal disabilities, then, with the guardian of such person, or the husband of such married women; and if said Company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration, in the manner following, to wit: The said Company shall select a disinterested arbitrator, and such owner, guardian, or husband, shall select another, who shall be disinterested and not of kin to him, or if they should refuse or neglect for the space of three days after being notified by said Company, to do so, or if they be non-residents of this State, they shall be notified by mail by letter signed by the Secretary and addressed to their usual place of residence, to select such arbitrator, and if they shall refuse or neglect for the space of sixty days after mailing of such letter, then in all cases of neglect or refusal as aforesaid, the Judge of the County Court or Chairman of the county Board of Supervisors of the county in which such land shall lie, shall appoint three competent persons to act as arbitrators who shall not be of kin to the claimant, or in any manner interested in said Company, and the said arbitrators, having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said Company to such persons for the land so taken, and shall deliver a copy of their award, in writing, to each of the parties, said Company shall pay all the expenses of said arbitration, and either party may, within ten days after receiving a copy of such award, appeal from the same to the Court of the proper jurisdiction for the county in which such land is situated, by giving written notice of such appeal to some one of the arbitrators, and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said Court, and the said Court shall enter said cause on its docket, setting down the claimant or claimants as plaintiff, and the said Company as defendants, and the said Court shall proceed to ascertain the amount of compensation to be paid by said Company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were, by this Act, required to take into consideration, and the said Court shall thereupon proceed to render judgment in favor of said claimant against said Company; and if the amount so found for such claimant, shall exceed the amount

so found by said arbitrators, the judgment shall be rendered against said Company for costs; and if it shall not exceed the amount so found by said arbitrators, the judgment shall be rendered in favor of said Company for costs, and against said claimant, and when such compensation, so to be ascertained according to the provisions of this section, shall be paid or tendered to the party entitled to the same, the title to said land shall vest in said Company and a copy of such award or judgment, filled in the office of the Register of Deeds of the county in which the lands lie, shall be sufficient evidence of such title, and the said Company shall have full power and authority pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possession of said lands, for all the lawful purposes of said corporation, and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding, either at law or in equity.

Sec. 14. The said Company may construct the said Railroad across any public or private road, highway, stream of water or water course, if the same shall be necessary; but the said Company shall restore such road, highway, stream of water or water course, to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, stream of water or water course, to the owner or to the public.

May cross
other thorough
fares.

Sec. 15. On the completion of said Railroad, or any Section of the track not less than five miles, it shall and may be lawful for the Company to demand and receive such sum or sums of money, for passage and freight of persons and property, as they shall, from time to time, think reasonable.

Condition of
receiving
freight.

Sec. 16. If any person shall wilfully and knowingly injure or destroy the Railroad so to be constructed by said Company, or any part thereof, or any work, building or machinery attached to, or in use upon the same, belonging to said Company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road, such person or persons so offending, shall, each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence; which may be recovered in the name of the said Company by action of debt in any Court having competent jurisdiction in the County wherein the offence shall

Penalties for
damage to
roads.

be committed, and shall also be subject to indictment and upon conviction of any such offence, shall be punished by fine and imprisonment, or either at the discretion of the Court.

Individual liability. Sec. 17. The property of every individual investor in said Corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law: *Provided*, That the debts due said Company shall be first paid.

Fences. Sec. 18. The said Company before opening the line of their road through enclosed lands, shall erect such fences as shall be necessary to preserve such enclosures entire, and shall before they commence using said road as a public Railroad, erect a good legal fence upon both sides thereof, and put in proper cattle guards at all crossings of roads and ways, and permanently maintain the same.

Sec. 19. This Act is hereby declared to be a public act, and shall be favorably construed to effect the purpose thereby intended, and copies thereof printed by authority of the State shall be received by authority of the State, and shall be received as evidence thereof in all cases.

Sec. 20. This Act shall take effect and be in force from and after its passage.

Sec. 21. Any future Legislature may alter, amend or repeal this act.

Approved, March 7, 1853.

An Act to amend an act entitled "an act to Incorporate the Kenosha and Beloit Railroad Company.

Chap. 69.

The people of the State of Wisconsin, represented by the Senate and Assembly, do enact as follows:

The first meeting of Stockholders.

SECTION 1. The first meeting of the Stockholders of the Kenosha and Beloit Railroad Company, for the election of Directors, as provided for in the act to which this act is amendatory, shall be held at such time and place as the Commissioners named in said act or a majority of them shall appoint; notice of the time and place of such meeting shall be given to each Stockholder, in writing, by delivering the same to him personally, or leaving the same at his usual place of abode, at least five days previous to the day of such meeting; and so much of the third section of said act as required, the publication of thirty days notice of the time and place of said meeting is hereby repealed.

Approved, March 10, 1853. Digitized by Google

An Act to Incorporate the Butte des Morts and Ripon Plank Road Company

The people of the State of Wisconsin, represented in Chap. 70.
Senate and Assembly, do enact as follows :

SECTION 1. That Augustus Grignon, B. D. Smith, F. F. Incorporated.
Hamilton, J. S. Veberts, Edward West, E. B. Fisk, D. P.
Mapes, and this associates and assignes be, and the same
are hereby created and declared to be a body Corporate
and politic, under the name and style of Butte des Morts
and Ripon plank road Company, and by that name shall
be capable in law, of purchasing, selling, leasing and con-
veying estate real, personal and mixed ; and in their cor-
porate name may sue and sued, may have a common seal,
which they may alter or renew, at pleasure, and generally
may do all the matters and things which are authorized
by law, for the interest and well being of said Company.

Sec. 2. Augustus Grignon, B. D. Smith, F. F. Hamil-
ton, J. S. Veberts, Edward West, E. B. Fisk, D. P. Mapes
are appointed Commissioners on the part of said Company;
under the directions of whom, or the majority of whom
Subscriptions may be received to the Capital Stock of
said Company, first giving twenty days notice of the times
and places of taking such Subscriptions, by publishing the
same, in one or more newspaper printed in the County of
Winnebago.

Sec. 3. The Capital Stock of said Company shall be Capital Stock.
fifty thousand dollars, in shares of twenty five dollars each,
and as soon as one hundred shares, of said Capital Stock
shall be subscribed, the said Commissioners or the major-
ity of them, shall give at least twenty days notice, in the
newspapers herein before mentioned, of the time and
place of a meeting of the Stockholders for the purposes
of electing seven Directors ; and annually thereafter the
Stockholders shall meet on the first Monday in January, Meeting of
Stockholders.
for the purpose of electing Directors aforesaid, upon a
like previous notice to be given by a majority of the Dir-
ectors for the time being, in such newspaper as they may
think proper ; *Provided*, That previous to the first elec- Provided.
tion, the Commissioners hereinbefore named shall elect
one of this number President ; and they shall preform all
duties, and be invested with all the powers of Directors ;
Provided further that if from any cause, such election
shall not be held at the regular time specified therefor the
same may be held at any other time, one notice as afore-
said ; that until such election the Directors of the pre-
ceeding year shall continue to act, and this Charter shall
not be avoided by reason of any irregularities or want of

any such election; and in case of any vacancy in the board of Directors, the same shall be filled by the other Directors, or a majority of them.

Directors and
their powers.

Sec. 4. The affairs of said Company shall be managed by a board of seven Directors, who shall be Stockholders and be chosen annually by ballot, by the Stockholders of said Company, the votes to be given in person or proxy duly authorized; which Directors shall choose one of this number President, and shall serve until others are elected in their stead; said Directors shall make and establish such By-Laws, rules, orders, and regulations, as may be necessary for the well ordering, and managing of the affairs of said Company; each share of said Stock shall be entitled to one vote, and in all cases of election for Directors, the seven Stockholders, having the greatest number of votes shall be declared duly elected.

Quorum.

Sec. 5. Four Directors shall be a quorum for the transaction of business, who in the absence of the President, may appoint a President pro tem. The Directors shall appoint a Secretary, Treasurer and Engineer and such other officers as they may find necessary; shall fix their compensation and may demand adequate security for the performance of their respective trusts. They shall have full power to decide the time and manner in which the said Stockholders may pay the money due on their respective shares; may declare forfeited to the use of the Company, the share or shares of any powers failing to pay any instalment at a reasonable period, not less than thirty days after the time appointed for the payment thereof; *Provided* no instalment shall be demanded from the shareholders exceeding five dollars at any one time on such shares unappropriated to such portion of the work as may at the time be completed; they shall have power to regulate tolls, to make such covenants contracts, agreements with any person or persons or body corporate or politic whatever, as the execution, and management of the works and convenience and interest if the Company may require, and in general may superintend all operations, receipts, disbursements and other proceedings of the said Company.

Proviso.

Route.

Sec. 6. The said Company shall have power to locate and construct as single or double track, plank road, from the quarter post on the south lines of section thirteen township nineteen (19) range fifteen (15) in the County of Winnebago, by the way of the village of Butte des M

in said County to the village of Ripon in the County of Fond du Lac, as the Stockholders, holding a majority of Stock of said Company, may determine upon by vote of a special meeting, called for the purpose of fixing the location or terminations of said road, or as the Directors duly authorized by a vote of said Stockholders taken at such meeting as aforesaid, may determine upon; And the said Company shall have power to erect all such toll houses, and other works, and appendages, as may be necessary for the convenience of said Company in the use of the said road; and also, to connect the said road with other plank roads in the State of Wisconsin, and to unite and consolidate Stock with any such plank road Company. The track of said road shall be constructed of plank, stone, gravel or charcoal in whole or in part, at the option of the Directors so that the same shall constitute a firm and smooth surface for the passage of wagons and carriages. The Directors shall exercise all powers conferred upon them by law; shall audit and pay all accounts against said Company fix the compensation and salary of the officers they may appoint, and meet at such times and places, as they may prescribe in the By-Laws to be enacted by them; they may appoint and remove all officers at pleasure;—prescribe the meetings of the Stockholders, and declare and pay the dividends or so much of the surplus profits of the Company as they shall deem advisable, which may accrue on the shares of said Stock to the Stockholders of said Company, on the first Monday of January and July in each year.

Sec. 7. It shall and may be lawful for said Company, their officers, engineers and agents to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage; and where the route shall be determined by said Company, it shall be lawful for their agents, officers, engineers, contractors and servants, at any time to enter upon, take possessions of and use such lands, not exceeding four rods in width, along the line of said road; subject however to the payment of such compensation as the Company may have agreed to pay therefore, or as will be ascertained in the manner hereinafter directed; *Provided*, that in such places as may be necessary for the Company to obtain gravel or stone as to make excavations or embankments for the construction of said road, the Company may locate the road not to exceed six rods in width.

Sec. 8. When said Corporation cannot agree with the owners of any land, gravel, stone, or other material

Track of the road.

May enter up on lands.

Compensation.

Proviso.

Mode of settling disagreements as to damages or value of lands.

required for the construction of said road, for the purchase thereof, or for the compensation to be paid therefor, or when by the absence, or legal incapacity of the owner or owners, no such agreement or purchase can be made, then and in any such case it shall be lawful for any Justice of the Peace, of the town in which the property may lay to issue a warrant directed to the Sheriff or any Constable of said county, not interested requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said Justice at some convenient place at or near the property to be valued on a day in said warrant named, not less than five nor more than ten days from the date of such warrant; and if, at the time and place named, any of the persons so summoned do not attend, the Sheriff or Constable shall immediately, summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said Company, and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by Attorney, the Sheriff or Constable shall for him, her or them, strike off each two of said persons and the said five shall act as jurors of inquest of damages; before they act as such, the Justice of the Peace shall administer to each of them an oath or affirmative, that they will faithfully and impartially value the land or material required for such road; and all damages which the owner or owners may sustain by reason of the construction of said road, taking into consideration the advantage, the same will be to the owner or owners according to the best of his skill and judgment; whereupon the said Justice and jurors shall proceed to review the said lands or material so required, and to hear the evidence of the respective parties, which the said Justice shall reduce to writing, which shall be signed by the said Justice; and the verdict of the jurors thereon shall be signed by the jurors or a majority of them, and by the Justice of the Peace; and the said Justice shall within five days thereafter transmit the same to the Clerk of the Circuit Court of the proper County, who shall file the same. Such inquisition shall describe the property, taken or to be taken, or the boundaries of the land in question and the value thereof as aforesaid; and such valuation when paid together with the costs of such inquisition or tendered to the owner or owners, or deposited with said Court, it shall entitle the said Company to the estate and interest in the same thus

valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken, shall be used for the track of said plank road; *Provided*, Proviso. That it shall not be lawful for any Justice or jury of inquest to proceed in the valuation of any such property, or materials in the absence of the owner or owners thereof, his her or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of the meeting, for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age or non compos mentis; such service of notice may be made on the Guardian or Trustees, under the same restrictions as in case of owners, or if there be no Guardian or Trustee the same shall be established by affidavit; *Provided*, That no such material shall be taken if the jury shall decide that the same was essential to the owner or owners thereof.

Sec. 9. The shares of Stock of the Corporation shall be deemed personal property, and every person becoming a shareholder by transfer purchase or otherwise of shares of said Stock, shall succeed to all the rights and liabilities of the prior holders of said share or shares. Shares of stock
personal pro-
perty.

Sec. 10. The Directors may erect toll gates and exact toll from persons traveling upon their road, whenever three consecutive miles are finished, or when the whole road is completed; not exceeding two cents a mile for every vehicle, sleigh, sled or carriage, drawn by two animals, and if drawn by more than two animals, one cent a mile for every additional animal; and for every vehicle sleigh sled or carriage drawn by one animal, one cent a mile; and for every horse and rider, or lead animal one cent a mile.—The toll gatherer at each and every Gate, when erected on said road in pursuance of this act, may detain and prevent from passing each Gate, any animal or carriage subject to toll, until the toll thereon is paid. Toll regula-
tions.

Sec. 11. If any person shall wilfully and knowingly break or injure or destroy the plank road to be constructed by said Company, or any part thereof or any work, building or fixture attached to or in use where the same belonging to said Company, such person or persons so offending, shall each of them for every such offence be liable to a civil suit for the recovery of damages by said Company in an action of trespass, in any Court having competent jurisdiction in the County or Counties where the offence shall have been committed; and shall also be subject to indictment, upon Proceedings
for damages
done the road.

conviction shall be punished by fine or imprisonment, or either at the direction of the Court.

Penalties.

Sec. 12. Any person who shall wilfully break or throw down any Gate upon such road which may have been erected in pursuance of this act or do any damage to said road, or forcibly or fraudulently, pass any such Gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage or animal turn out of said road to pass any Gate thereon, or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars to and for the use of said Company, and for all damages done to the profits of said Company in an action of trespass.

May construct bridge across Fox River.

Sec. 13. Said Company are authorized by this act, to construct and maintain a bridge across Fox River on the route of their road; *Provided* they shall place in said bridge, a draw of at least sixty feet wide, and shall at all times allow the passage of all rafts, boats, or other water crafts, free of charges and without unnecessary delay.

Condition of the Charter.

Sec. 14. If said Corporation shall not within one year from the passage of this act, commence the construction of said plank road, and expend three thousand dollars or more thereon, and shall not within five years from the passage of this act construct finish and put into operation a single or double track plank road, three miles in length, then the rights privileges and powers of said Corporation under this act shall be null and void.

Sec. 15. This act shall be favorably constructed to effect the purposes thereby intended, and the same is hereby declared to be a public act and copies thereof printed by authority of the State shall be received as evidence thereof.

Sec. 16. This Act shall take effect from and after its passage.

Approved, March 10, 1853.

Chap. 71.

An Act to provide for the laying out of a State Road therein described.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. That John Shaw, John Parker, and Reuben Harrington be and are hereby appointed commissioners to lay out and establish a State Road, from Granville to

Dakin's Mills, in Neshkora, in the county of Marquette, upon the nearest and most practicable route: *Provided*, that no part of the expense for the same shall be paid by the State.

Approved March 10, 1853.

An Act to authorize the Methodist Episcopal Society of East Troy to convey certain real estate.

Chap. 72.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Methodist Episcopal Society of the town of East Troy, in said State, is hereby authorized to release or convey unto Emery Thayer all the right, title and interest of said Society to a certain tract of land, lying in the village of East Troy, on the north side of the Milwaukee and Beloit Territorial Road, and formerly deeded to said Society, or its Trustees, by Austin McCracken.

Estate described.

SEC. 2. Said conveyance may be executed by the Trustees of said Society, in the name of said Society, and when properly executed and acknowledged, shall convey to said Emery Thayer all the right, title, and interest of said Society to said real estate.

Approved March 10, 1853.

An Act to declare Big Plover River a Navigable Stream.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 73.

SECTION 1. That Big Plover River, in the county of Portage, from the mouth of said River up to Pike Lake, be and is hereby declared a navigable stream.

Declared a navigable stream

SEC. 2. The town supervisors of the several towns through which said river runs, shall have authority to construct, or authorize the construction of, as many bridges, and at such places across and over said river, as the convenience of the public may require: *Provided*, that no bridge shall be so constructed across said river so as in any manner or respect to obstruct or interfere with the navigation of the same.

River may be bridged.

Provide.

SEC. 3. This act shall take effect from and after its publication.

Approved March 14, 1853.

An Act to incorporate the Ellis Level Mining Company.

Chap. 74.

The people of the State of Wisconsin, represented by the Senate and Assembly, do enact as follows:

SECTION 1. Moses M. Strong, David W. Jones, Samuel Crawford, their associates and successors are hereby constituted a body corporate and politic, by the name and style of the Ellis Level Mining Company, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law and equity, may have a common seal and the same as they may please, and may enjoy all the privileges incident to a corporation, for the purpose of mining, smelting, or manufacturing lead or other metals, and the ores thereof in the county of La Fayette.

SEC. 2. Said corporation shall have power to purchase, hold and convey real estate: *Provided*, that the real estate held by said company at any one time shall not exceed one hundred thousand dollars.

SEC. 3. The first meeting of said corporation shall be called by the persons named in this act, or by a majority of them, at such time and place as they shall determine; and at such meeting, and at all other meetings duly called, such corporation may make and alter such by-laws, rules, and regulations for the management of the business of said corporation, as a majority may direct, not inconsistent with the laws of this State, nor of the United States.

SEC. 4. Said corporation may divide their stock into as many shares, and provide for the sale and transfer of the same in such manner as said corporation shall, from time to time, deem expedient.

SEC. 5. This act is hereby declared to be a public law, and the same shall be construed favorably in all its provisions, and in all places whatever; and the same shall take effect from and after its passage.

Approved, March 14, 1853.

An Act to vacate a part of the town plat of Janesville, in the county of Rock, therein described.

Chap. 75.

The people of the State of Wisconsin, represented by the Senate and Assembly, do enact as follows:

SECTION 1. That all that part of the town plat of Janesville, in the county of Rock, bounded northerly by Division street, easterly by Division street, southerly by

First street, and westerly by Bluff street, as laid down in the recorded plat of said town of Janesville, be and the same is hereby vacated.

SEC. 2. That said county of Rock be and hereby is restored to all its original rights in and to the land hereinbefore vacated.

Approved March 14, 1853.

An Act to provide for laying out a certain State Road therein mentioned,

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 76.

SECTION 1. Benjamin F. Parker, Jerome Miner, and William McKenzie are hereby appointed commissioners to lay out and establish a State Road, running from the village of Dartford, in the county of Marquette, to Montello, in said county: *Provided*, That said commissioners shall be entitled to receive from the county of Marquette two dollars per day for the time actually employed in laying out said road: *Provided*, That no portion of said expense shall be paid out of the State Treasury.

SEC. 2. This act shall take effect from and after its passage.

Approved March 14, 1853.

An Act to provide for laying out a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 77.

SECTION 1. That George Shazer, G. W. St. Mathews, of St. Croix County; William Hood, of LaCrosse County, and McLane of Chippewa County, be and are hereby appointed Commissioners to lay out and establish a State road, commencing at the village of Prairie LaCrosse in LaCrosse County, running North-Westerly, and as near the Mississippi as practicable, to Prescott in St. Croix County. The said Commissioners shall be entitled to such compensation for their services from the Counties through which the road passes as the Supervisors of said Counties shall deem just: *Provided*, no portion of said expenses shall be paid out of the said Treasury. Commissioners appointed.

Approved, March 14, 1853.

An Act to incorporate the Watertown and Madison Rail Road Company.

Chap. 78. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Commissioners. **SECTION 1.** Levi B. Vilas, Philo Dunning, H. S. Orton, Leonard J. Farwell, Simeon Mills, Samuel Marshall, Eliphelit Cramer, Patrick Rogan, William M. Dennis, Luther A. Cole, William Chappell, Benjamin Granger, Elisha Whittlesey, A. M. Hanchett, Thomas McMahan, Simeon Ford, John D. Reynolds, A. T. Mat-
Books to be opened. tice and George G. King, be and they are hereby appointed Commissioners under the direction of a majority of whom, subscriptions may be received to the Capital Stock of the Watertown and Madison Railroad Company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscription to the Capital Stock of said Company, first giving thirty days notice of the times and places of taking such subscription, by publishing the same weekly in a public newspaper printed in the counties of Jefferson and Dane.

Capital stock. **Sec. 2.** The Capital Stock of said Company shall be eight hundred thousand dollars, and shall be divided into sixteen thousand shares of fifty dollars each, and as soon as four hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such Stock, with such other persons as shall become Stockholders in conformity with the provisions of this Act, their successors and assigns, shall be, and they are hereby created and declared a body corporate and politic, by
Style. the name and style of the "Watertown and Madison Railroad Company," and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation, they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either real, personal or mixed; they may make, have, and use a common seal, and alter,
Powers. break or renew the same at pleasure; and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defendand be defended, contract and be contracted with, and generally may do and perform all and singular the Acts and matters which to any corporation it shall lawfully appertain to do, and perform for the well being of the said corporation.

Sec. 3. The said Commissioners, or a majority of them, after the said four hundred shares of Stock are subscribed shall close the books of subscription, and shall

give at least thirty days notice in the newspapers herebefore mentioned, of the time and place by them appointed for the Stockholders to meet, for the purpose of electing thirteen Directors, and the Directors thus elected shall hold their offices until the next annual meeting of the Stockholders for the election of Directors, and until other Directors are elected.

Election of directors.

Sec. 4. All the affairs of said Corporation shall be managed by a Board of thirteen Directors, who shall be Stockholders, and who are hereby invested with all the powers of the said Corporation. They shall be chosen annually by ballot at the annual meeting of the Stockholders, (which shall be held on the first Wednesday of February,) by the Stockholders of the said Company, on like notice as herein prescribed for the first election of Directors. The votes shall be delivered in person or by proxy duly authorized, and in all cases in which Stockholders shall vote, each share of Stock shall be entitled to one vote, and in all elections for Directors those Stockholders equal to the number to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If from any cause an election of directors should not be had at the time, when by the provisions of this Act it should be had, the same may be had at any other time on thirty days notice to be given as aforesaid, and until such election be had, the Directors of the preceding year shall continue to act, and that the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities, by the reason of the irregularity or want of such election. The Board of Directors may at any time increase or diminish the number of Directors to be elected at the next annual meeting of the Stockholders; *Provided*, the number shall not be less than five nor more than fifteen, and in case of such increase or diminution, the number to be elected shall be specified in the notice of election.

Manner of election.

Provision in case the election is not held at the proper time.

Proviso.

Sec. 5. A majority of the Board of Directors shall constitute a quorum for the transaction of any business, they shall meet at such times and places, and be convened in such manner as they shall decide upon; they shall elect by ballot one of their own number to be President, who shall when present, preside at all meetings of the Directors, and when absent, the Directors may appoint a President pro tem. The Board of Directors shall appoint a Secretary, Treasurer, and such Engineers, Superintendents, Agents, and

President and other officers.

Powers of directors.

other officers, as they may find necessary, fix their compensation, and may demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy in their own Board. The Directors shall have power to re-open the books for subscription to the Capital Stock of the Company, or open new books under their own direction or the direction of a majority of them, or under the direction of such person or persons as they may designate; to decide upon the amount to be paid on such subscription, the time, and manner and proportions in which such Stockholders shall pay subsequent installments on their respective shares, and to forfeit to the use of the Company the share or shares of any person failing to pay any instalment so required, to regulate tolls and charges for the transportation of freight and passengers, to make such covenants, contracts and agreements with any person or persons, co-partnership or corporation whatsoever, as the execution and management of the works, and the convenience and interests of the Company may require; to make any contract or agreement which they shall think proper, with any other Railroad Company, for the leasing or purchase of the whole or any part of any Railroad, constructed or to be constructed by such Railroad Company; to make and establish such By-Laws, Rules, Orders and Regulations, not inconsistent with the Constitution and Laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said Company, and in general to superintend and direct all of the operations, receipts, disbursements, and all other affairs and proceedings of said Company.

Certificates of stockholders.

Sec. 6. The Directors shall issue a certificate or certificates to the Stockholders of the number of shares held by them respectively in said Corporation, signed by the President and Secretary, and sealed with the common seal of the Company, subject however, to all the payments due, or to grow due thereon; which Stock shall be transferable in such manner as shall be provided by the By-Laws of the Company.

Annual statement.

Sec. 7. At each annual meeting of the Stockholders for the election of Directors, the Directors of the preceding year shall exhibit to the Stockholders a complete statement of the affairs and proceedings of the Company for such year. Special meetings of the Stockholders may be called by order of the Board of Directors, or by Stockholders holding one-fourth in amount of the Capital

Stock, on like notice as that required for annual meetings, specifying the object of the meeting.

Sec. 8. The said Company shall have power to locate and construct a Railroad with one or more Railways or tracks from such eligible point in the village of Wadertown to such eligible point in the village of Madison, as shall be determined upon by the said Board of Directors, and the said Company shall have power to transport, take and carry property and persons upon said road by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make, construct and put in operation, all such turnouts, side tracks, and connecting tracks, as they shall think will promote the interests of the Company; ware houses, car houses and shops, engine shops, tollhouses, machine shops, and all other fixtures useful for the accommodation of said road, and of those using it; to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running said road, and, they shall have power to connect the said Railroad with any Railroad or branch Railroad coming in contact therewith, and to operate the same in connection with such other Railroad or branch Railroad, and to lease or purchase from any other Railroad Company, the whole or any part of any Railroad or branch Railroad owned by (and) [such] Company; or to lease or to sell to any other Company the whole or any part of the Railroad to be built or owned by this Company.

Sec. 9. The said Company is hereby authorized and fully empowered in its corporate capacity, to borrow sum of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said Company and any person or party of whom such money may be obtained, any law on the subject of usury in this State to the contrary notwithstanding, and to make, execute, and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment or running of said road, and the powers of said Corporation for the purposes aforesaid, and for all purposes necessary to carry out the object of said Company, namely: the construction of a Railroad from and to the points aforesaid, are hereby ratified and confirmed, and the contracts and official acts of said

Route of the road.

Powers of the company

May borrow money.

Company are declared binding in law and equity upon said Corporation, and upon all other parties to such contracts.

Condition of
the charter.

Sec. 10. If said Corporation shall not, within three years from the passage of this Act, commence the construction of said Railroad, and in ten years from the time aforesaid, complete the same, then the rights, privileges and powers of said Corporation, under this Act, shall be null and void.

May enter up-
on land.

Sec. 11. It shall be lawful for said Company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said Company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such land not exceeding one hundred feet in width along the line of said route, subject however, to the payment of such compensation as the Company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided, in such cases respectively, and it shall further be lawful for said Company by their officers, engineers and agents to enter upon lands adjacent to the Railroad, beyond the limits provided in this Act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures, for the operation and for the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary, beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel and stone, taken from the deep cuts, and to obtain earth, gravel and other materials for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage, and all damage which shall be done to any lands or property under the provisions of this Section, shall be ascertained and paid for in the manner and agreeably to the provisions of this Act, and when such damage shall have been paid or tendered, the title to the the land occupied by such buildings, fixtures, excavations and embankments, shall vest in fee simple in said Company, agreeably to the provisions contained in this Act; and it shall further be lawful for said Company to purchase and hold in fee simple, lands adjoining or adjacent to the Railroad, for the purpose of

Agreement as
to compensa-
tion how ar-
ranged.

procuring earth, gravel or other material for embankments and structures necessary to the construction and repairs of said road, and necessary buildings, and whensoever such lands shall be no longer needed for the purposes aforesaid, the said Company is hereby authorized to sell and convey the same.

Sec. 12. The said Company shall have the right to enter upon any lands required for their use, as provided in the eleventh section of this act, and to survey and lay out said road, not exceeding one hundred feet in width, and the said Company shall, if possible, agree with the owner of said lands, as to the amount of compensation to be paid for said lands, whether such persons shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same; and if the person or persons owning or possessing such legal or equitable title, lien or incumbrance, shall be a minor, non compos mentis, insane, or married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman, and if said Company cannot agree with such owner or with such Guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit: the said Company shall select a disinterested arbitrator, and such owner, guardian or husband shall select another, who shall be disinterested and not of kin to him; or if they should refuse or neglect for the space of three days after being notified by said Company to do so, or if they be non-residents of this State, they shall be notified by mail, by letter signed by the Secretary and addressed to their usual place of residence, to select such arbitrator, and if they shall refuse or neglect for the space of sixty days after mailing of such letter, then in all cases of neglect or refusal as aforesaid, the Judge of the County Court or Chairman of the County Board of Supervisors of the county in which such land shall lie, shall appoint three competent persons to act as arbitrators, who shall not be of kin to the claimants or in any manner interested in said Company, and the said arbitrators having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said Company to such person for the land so taken, and shall deliver a copy of their award in writing to each of the parties, and if the amount awarded by said arbitrators shall be more than said Company had previously offered to pay, then said Company shall pay all the ex-

Compensation

Cases requiring notice,

Arbitrators,

Further proceedings.

penses of said arbitration ; and if it shall be less, then the other party shall pay such costs ; and either party may, within ten days after receiving a copy of such award, appeal from the same to the Court of the proper jurisdiction for the county in which such land is situated, by giving written notice of such appeal to some one of the arbitrators : and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said Court, and the said Court shall enter said case on its docket, setting down the claimant or claimants as plaintiff's, and the said Company as defendant, and the said Court shall proceed to ascertain the amount of compensation to be paid by said Company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were by this act, required to take into consideration, and the said Court shall thereupon proceed to render judgment in favor of said claimant against said Company, and if an amount so found for such claimant shall exceed the amount so found by said arbitrators, the judgment shall be rendered against said Company for costs ; and if it shall not exceed the amount so found by said arbitrators, the judgment shall be rendered in favor of said Company for costs, and against said claimant, and when such compensation, so to be ascertained according to the provisions of this section shall be paid or tendered to the party entitled to the same, the title to said lands shall vest in said Company in fee simple, and copy of such award or judgment, filed in the Office of the Register of Deeds of the county in which the lands lie, shall be sufficient evidence of such title, and the said Company shall have full power and authority pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possessions of said lands for all the lawful purposes of said Corporation, and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy, and enjoyment by any proceeding either at law or in equity. The said arbitrators before entering upon their duties, shall severally take and subscribe an oath to faithfully and honestly perform the duties of the appointment, which oath shall be returned with their award.

Sec. 13. The said Company may construct the said Railroad across any public or private road, Highway, Railroad, Stream of water, or water course if the same shall be ne-

cessary, but the said Company shall restore such road, Highway, Railroad, Stream of water, or water course to its former State, or in a sufficient manner not to impair the usefulness of said road, Highway, Railroad, Stream of water, or water course to the owner or to the public.

May cross highways and water courses.

Sec. 14. On the completion of said Railroad, or any Section of the track not less than five miles, it shall and may be lawful for the Company to demand and receive such sum or sums of money for passage and freight of persons and property, as they shall from time to time, think reasonable.

Condition of receiving freight.

Sec. 15. If any person shall wilfully and knowingly injure, or destroy the Railroad so to be constructed by said Company, or any part thereof, or any work, building, or machinery attached to, or in use upon the same belonging to said Company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road, such person or persons so offending, shall each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of said Company, by action of debt, in any Court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment; and upon conviction of any such offence, shall be punished by fine and imprisonment, or either, at the discretion of the Court.

Penalties for injuring road.

Sec. 16. The said Company before opening their road through enclosed ground shall erect such fencing as shall preserve such enclosure entire, and shall before they commence to use their road as a Railroad erect a good and sufficient fence, on both sides of the said railroad through all such enclosed grounds, and shall maintain the same.

Road to be fenced.

Sec. 17. This act is hereby declared to be a public act, and shall be favorably construed to effect the purpose thereby intended, and copies thereof printed by the authority of the State shall be received as evidence thereof in all cases.

Public Act.

Sec. 18. This act shall take effect, and be in force from and after its passage.

Approved, March 17, 1853.

An Act to provide for laying out a certain State Road therein mentioned.

Chap. 79.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Michael R. Keegan, William L. Lincoln, and Enoch Gleason are hereby appointed commissioners to lay out and establish a State Road, running from the village of Montello, in Marquette county, to Fort Winnebago, in Columbia county: *Provided*, that said commissioners shall be entitled to receive, from the counties through which said road passes, two dollars per day for the time actually employed in laying out said road in said counties: *Provided*, no portion of said expenses shall be paid out of the State Treasury.

Sec. 2. This act shall take effect from and after its passage.

Approved March 17, 1853.

Chap. 80.

An Act to incorporate the Phoenix Marine, Fire, and Life Insurance Company of Wisconsin.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That all such persons as do become stockholders in the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate, by the name and style of the Phoenix Marine, Fire, and Life Insurance Company of Wisconsin. The office of said company shall be in the county of Manitowoc, in this State.

Sec. 2. The capital stock of said company shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and there shall be paid into the treasury of said company, by each subscriber to the capital, at the time of subscription, an instalment of ten per cent on the stock by him subscribed, the remainder to be paid, or to be amply secured to be paid, on real estate or other securities as the commissioners hereinafter mentioned shall deem sufficient, and until five hundred shares of said stock are subscribed for and paid, or secured to be paid as aforesaid, said company shall not commence business.

Sec. 3. The stock, property and affairs of said corporation shall be managed and conducted by fifteen directors, and such officers, clerks, and agents, and other persons as said trustees may appoint from time to time. Said direc-

tors shall divide themselves into three classes, by lot; the time of the first class shall expire on the first Monday of February succeeding their election, or as soon thereafter as others are elected in their stead; the term of the following classes shall expire successively on the first Monday of February in the following year, or as soon thereafter as others are elected in their stead. Nothing herein contained shall prevent the re-election of a director. The annual election for five directors shall be held on the first Monday of February in each year, at such place in the county of Manitowoc as a majority of the directors may appoint, and the polls of said election shall be opened at two o'clock and remain open until four o'clock, P. M. of said day, of which notice shall be given in some public newspaper, published in the English language, and circulated in the county of Manitowoc, at least two weeks previous to said election. Said election shall be held under the direction of three stockholders, to be appointed by a majority of the directors, and directors shall be elected by a plurality of the votes of the stockholders present at said election, and their proxies, allowing one vote for every share of stock subscribed.

Annual election.

Sec. 4. It shall be the duty of the directors, on organizing and annually thereafter, to choose from their number a President, and they may in the same manner elect a Vice President and Secretary. The Vice President's duty shall be to perform all the duties of the President in case of his absence or inability.

Directors to appoint officers.

Sec. 5. Abram W. Preston, Augustus Beansch, Alden Clarke, Charles Kuchen, Ezekiel Ricker, Gustavus Richter, Thomas Cunningham, Gerard Krames, Sylvester A. Wood, John F. Zims, James Bennett, and Adolph Whiteman shall be the commissioners to receive subscriptions to the capital stock of said company, and when said stock shall be subscribed and paid, or secured to be paid as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders, by advertisement; published at least one week previously in some newspaper published in the English language, in the county of Manitowoc, stating the time and place at which such meeting shall be held, and said stockholders shall by ballot elect the first directors of said company; said commissioners shall act as inspectors of said election, and if there should be any deaths or resignations from the commissioners above appointed, then the remainder shall appoint others to fill the vacancies.

Commissioners appointed to receive stock.

**Powers of
Company.**

Sec. 6. The said company shall have power to make insurance upon vessels, freights, goods, wares, merchandise, specie, jewels, bank notes, bills of exchange and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance connected with marine risks, and the risks of transportation and inland navigation, also upon dwelling houses, stores, and all kinds of buildings, household furniture, merchandise, and all other property, against loss or damage by fire or storm, and re-insure the same, and also all and every insurance appertaining or connected with life insurance, and to cause themselves to be insured when deemed expedient against any risk or risks on which they have or may make insurance.

**Policies with
or without
seal,**

Sec. 7. All policies of insurance or other contracts authorised by this act which may be made and entered into by this corporation, may be with or without seal thereof, and shall be subscribed by the President or Vice President and attested by the Secretary, and being so signed, executed and attested shall be binding and obligatory upon said corporation.

Securities.

Sec. 8. It shall and may be lawful for the said company to take and hold any real estate or securities, mortgaged or pledged to the said company to secure the payment of any debt, which may be contracted by or with said company, and to foreclose the same, and to purchase on sale made by virtue of any judgment at law or by order or decree of any court of equity, or any other legal proceeding, or otherwise to receive and take any real or personal estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell and convert the same into money or other personal property, and also to invest the capital stock, or so much of the surplus profits of the said company as they may deem fit, in such manner as the directors shall decide, and call in and re-invest the same so often as it shall be deemed necessary for the interest of the said company.

**Stock trans-
ferable,**

Sec. 9. The capital stock of the said corporation shall be transferable according to the rules and regulations prescribed by the directors, and every subscriber of any share or shares of said stock, who shall neglect for thirty days after having been duly notified to pay the instalments aforesaid, or to secure the residue of the share or shares by him subscribed, shall forfeit the same to the

said company or corporation, and all payments made thereon and all profits that may have arisen thereon.

Sec. 10. It shall be lawful for the directors of said corporation or company, to make a dividend of so much of the profits of the said company as shall appear advisable, but the dividend shall not at any time exceed the amount of clear profits made by the company; but the capital stock shall be and remain unimpaired, and if the said directors shall at any time knowingly make a dividend of the capital aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them or any of them in any court of record in this State, by any creditor of said company, and each director present when such dividend shall be made shall be adjudged consenting thereto, unless he forthwith protests against such dividend and request his protest to be entered on the minutes of the company, and give further notice to the stockholders of the declaring of such dividend by advertising his said protest, within ten days thereafter, in a newspaper published in the English language and circulated in the county of Manitowoc.

Sec. 11. Nothing contained in this act shall be construed to authorise the business of banking.

Approved March 17, 1853.

An Act to Incorporate the Hartford Iron Company.

Chap. 81.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. George C. Rossman, Peter Winter, Charles E. Jenkins, Charles W. Rossman, L. E. Peck and all such persons as shall hereafter become associated with them by subscribing Stock in the Corporation hereby created and their successors and assigns, shall be and are hereby constituted, and made a body politic and Corporate, by the name and style of the "Hartford Iron Company" and by that name shall be capable in law and equity of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever in all manner of actions and causes whatsoever; may have a common seal and alter the same at pleasure, and by the same name shall be capable of purchasing, holding and conveying any estate, real, personal or mixed, for the use and benefit of said Corporation.

Capital stock. Sec. 2. The Capital Stock of said Company, shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed to be personal property and may be transferred in such manner as the By-Laws of the Company may prescribe.

Objects of the Corporation. Sec. 3. Said Corporation shall have power to prospect for Iron Ores, mine raise, and smelt the same; cast, puddle, roll, and Manufacture Iron and Iron wares of every kind, and sell and dispose of the same at pleasure; may construct such dams, canals, water ways, reservoirs, flumes, and races as may be necessary in the Manufacture of such Iron or Iron wares, on any lands which are now, or hereafter may be owned by said Company, or on the lands owned by any other person or persons, first obtaining the consent of the owner thereof for such purpose; may erect buildings, structures and machinery of every kind necessary for the purposes of said Company to be moved by water or other power; may make and execute in the Corporate same and capacity of said Company to any person or persons, body Corporate or politic, and seal and acknowledge the same in due form of law, any and all deeds of conveyance or leases of any lands, woods, or mines, any and all writings, notes, bonds. Mortgages and other papers of any kind and amount as security for the loan of money borrowed, or for any debts due by said Company to any such person or persons, body Corporate or politic, and for any rate of interest which may be agreed upon between the parties, any law of this State to the contrary notwithstanding.

Directors how to be chosen. Sec. 4. The property and affairs of said Corporation shall be managed and conducted by a Board of five Directors, a majority of whom shall constitute a quorum for the transaction of business, who shall be elected annually after the present year by the Stockholders, on the second Monday of April in each year, and it shall be the duty of the Directors to notify the Stockholders in said Company of such annual meeting for the election of Directors by publishing a notice (describing the time when, and the place where, such election will be held) in some newspaper published in the counties of Washington or Milwaukee for thirty days preceeding said election, and at all elections, each Stockholder shall be entitled to cast one vote for each share of Stock, which he may hold in said Corporation, and may vote the same in person or by proxy duly authorized; *Provided*, That no person shall be elected a Director, who is not a Stockholder in said Company.

Proviso.

Sec. 5. The five Corporators named in the first Section of this act, viz: George C. Rossman, Peter Winter, Charles E. Jenkins, Charles W. Rossman and L. E. Peck; are hereby declared to be the first Board of Directors, whose term shall continue until the second Monday of April in the year 1854, and until their successors be elected, and in case that from any cause, an election shall not be held at the regular time specified therefor, the same may be held at any other time, on thirty days notice being given by publication in some newspaper printed in Washington or Milwaukee counties, and until such election, the Directors of the preceding year shall continue to act, and this Charter shall not be voided by reason of any irregularity or want of such election; and in case of a vacancy happening in the Board of Directors, by the death or resignation of any Director, such vacancy shall be filled by the remaining member of the Board by the appointment of a Director to fill the same. Books of subscription to the Capital Stock of said Company, may be opened at such times and places, and subscriptions received from all such persons, and subject to such payment, as may be prescribed by the Board of Directors.

First Board.

Vacancies.

Sec. 6. The first Board of Directors at their organization, and their successors after their election, shall elect one of their number President, whose duty it shall be to preside at the meetings of the Board, but in case of his absence at any meeting the Directors present may elect a President pro tem. The President shall in addition to the aforesaid duties, perform such other acts as may be prescribed by the By-Laws or required by the Board of Directors. The office or place of business shall be at the village of Hartford in Washington County; or at such other place as shall be prescribed by the By-Laws. And all meetings of the Board for the transaction of business shall be at said office or at such other place as may be specially appointed by a resolution of the Board, or by a call of the President. The Board of Directors may call special meetings of the Stockholders at any time on giving twenty days notice thereof in some newspaper printed in Washington or Milwaukee Counties; They shall have power to elect a Secretary and Treasurer and appoint or employ all other such officers, agents and laborers, as they may deem necessary for the convenient transaction of the business of the Company, prescribe their duties and compensation, and remove the same at pleasure; they shall have power to decide the time, manner and proportions in which

President.

Place of business.

Special meetings.

Powers of directors.

the Stockholders shall pay the money due on their respective, shares and to forfeit to the use of the Company the share or shares of any person failing to pay any instalment so required, at a reasonable period, not less than thirty days after the time by them appointed for the payment thereof, and may adopt all necessary By-Laws for the regulation and management of the Company.

Approved, March 17, 1853.

Chap. 82.

An Act to incorporate the Mineral Point Zinc, Lead and Copper Mining Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Incorporated.

SECTION 1. David W. Jones, John Bracken, Moses M Strong, Edwin M. Warren and Montgomery M. Cothren, their associates and successors, are hereby constituted a body corporate and politic, by the name and style of the "Mineral Point Zinc, Lead and Copper Mining Company," and by that name may sue and be sued, plead and be impleaded, and answer and be answered unto, in all Courts of Law and equity; may have a common seal, and the same alter at pleasure, and may enjoy all the privileges incident to corporations, for the purpose of mining, smelting or manufacturing Zinc, Lead and Copper, and the Ores of said Metals, in the County of Iowa.

Powers,

Real Estate.

Sec. 2. Said Corporation shall have power to purchase, hold and convey real estate; *Provided*, That the cost of the real estate held by said Company, at any one time, shall not exceed one hundred thousand dollars.

First meeting,

Sec. 3. The first meeting of said Corporation may be called by the persons named in this Act, or by a majority of them, at such time and place in said County, as they shall designate, and at such meetings, and at all other meetings duly notified, said Corporation may make and alter such By-Laws, Rules and Regulations, for the management of the business of said Corporation, as a majority may direct, not repugnant to the laws of this State nor of the United States.

Capital stock.

Sec. 4. Said Corporation may divide their Stock into as many shares, and provide for the sale and transfer thereof, in such manner as such Corporation shall from time to time deem expedient.

Sec. 5. This Act is hereby declared to be a public act, Public act.
and the same shall be construed favorably in all Courts
and places whatever. And the same shall take effect,
and be in force from and after its passage.

Approved, March 17, 1853.

An Act to lay out and establish a State Road from Stephen's Point in the
County of Portage to Hudson in the county of St. Croix.

The People of the State of Wisconsin, represented in Chap. 83.
Senate and Assembly, do enact as follows :

SECTION 1. That H. S. Allen, Nelson Dennison and Commission-
ers.
Charles Whipple, be and are hereby appointed Commis-
sioners to lay out and establish a State road from Stephens'
Point in the county of Portage, by the way of Chippewa
Falls on Chippewa River, to Hudson in the county of St.
Croix.

Sec. 2. The said Commissioners shall receive a fair Corporation.
compensation for their services from the counties through
which said road passes, each county paying a just propor-
tion of said expense ; *Provided*, That no part of the ex-
penses for laying out said road shall be paid out of the
State Treasury.

Approved, March 17, 1853.

An Act to provide for laying out a certain State Road therein named.

The People of the State of Wisconsin, represented in Chap. 84.
Senate and Assembly, do enact as follows :

SECTION 1. That Isaac H. Wallace, of Richland coun-
ty; Benjamin Smith, of Iowa county, and Horace Cros-
well, of Sauk county, are hereby appointed Commission-
ers to lay out and establish a State Road from the village
of Franklin in Iowa county, by the way of Richland city
in Richland county, to Reedsburg in the county of Sauk.
The said Commissioners shall have power to adopt any
portion of a county or state road already established, and
receive such compensation from the several counties
through which said road passes, as the Supervisors of said
counties shall deem just ; *Provided*, that no part of the
expense shall be paid out of the State Treasury.

Approved, March 17, 1853.

An Act to authorize the Collection of a delinquent Tax in the Town of Neenah, "in the County of Winnebago."

Chap. 85.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Tax to be collected.

SECTION 1. That O. R. Jaycox, Treasurer of said town of Neenah or his successor in office, be and he hereby is authorized and required, to collect from the estate of Harvey Jones, deceased the taxes chared against said estate upon the general assessment roll of said town for the year one thousand eighth hundred and fiftyone, remaining uncollected.

Treasurer to give bond.

Sec. 2. The said Treasurer before proceeding to the collection of said taxes shall be required, to give bonds to the County Treasurer, of Winnebago County, in like manner as is required by law in the collection of other County and State taxes, and shall be governed in all respects by the provisions of Chapter fifteen (15), of the Revised Statutes of this State in the collection of said tax, except as to time of making his returns.

When to make his returns.

Sec. 3. That said Treasurer shall be required to make his returns to the County Treasurer of said County, as directed by Section fifteen (15) of the Revised Statutes of this State, on or before the last Monday of May one thousand eight hundred and fifty three.

Sec. 4. That all lands, that shall be returned to the County Treasurer of said County, as herein directed, by said town Treasurer upon said assessment roll, shall not have been paid, on or before the said, last Monday of May 1853, shall be subject to sale, by said County Treasurer, in like manner and with like effect, as lands returned to said County Treasurer, pursuant to Chapter fifteen (15), of the Revised States.

Sec. 5. That this act shall take effect and be in force from and after its passage.

Approved, March 17, 1853.

Chap. 86.

An Act to incorporate the Western Plank Road Company,

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Incorporated.

SECTION 1. That Otto Tank, Timothy O. Howe, Joel S. Fisk, Daniel Butler, Uriah H. Peake, Nathan Goodell, George H. Wood, John Day, James H. Howe, Randall Wilcox, and Dominicus Jordan, of Brown county, and Albert G. Ellis, Abram Brawley, and N. F. Bliss, of

Portage county, and their associates and assigns, be and the same are hereby created and declared to be a body corporate and politic, under the name and style of the Western Plank Road Company, and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, real, personal, and mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all the matters and things which are authorized by law, for the interest and well being of said company.

Sec. 2. Otto Tank, Joel S. Fisk, Daniel Butler, Nathaniel Goodell, George H. Wood, Dominicus Jordan, Albert G. Ellis, Abram Brawley, Uriah H. Peake are hereby named and appointed commissioners on the part of said company, under the direction of whom or a majority of whom subscriptions may be received to the capital stock of said company, first giving twenty days notice of the times and places of taking such subscriptions, by publishing the same in one or more newspapers printed in the counties of Brown and Portage. Commissioners.

Sec. 3. The capital stock of said company shall be one hundred and twenty thousand dollars, in shares of twenty-five dollars each, and as soon as one thousand shares of the said capital stock shall be subscribed the said commissioners, or a majority of them, shall give at least twenty days notice in the newspapers herein before mentioned of the time and place of a meeting of the stockholders, for the purpose of electing nine directors, and annually thereafter thereafter the stockholders shall meet on the first Monday in January for the purpose of electing directors aforesaid, upon a like previous notice, to be given by a majority of the directors for the time being, in such newspapers as they may think proper: *Provided*, That previous to their first election the commissioners herein before named shall elect one of their number President, and they shall perform all the duties and be invested with all the powers of directors: *Provided further*, That if from any cause, an Election shall not be held at their regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election the directors of the preceding year shall continue to act, and this charter shall not be avoided by reason of any irregularities, or want of such election, and in case of any vacancy in the board of directors the same shall be filled by the other directors, or a majority of them. Capital stock.
Election of directors.
Proviso.

**Powers of
directors.**

Sec. 4. The affairs of said company shall be managed by a board of nine directors, who shall be stockholders and be chosen annually by ballot by the stockholders of said company, the votes to be given in person or by proxy duly authorized, which directors shall elect one of their number President, and he shall serve until others are elected in their stead. Said directors shall make and establish such by-laws, rules, orders and regulations as may be necessary for the well ordering and managing the affairs of said company. Each share of said stock shall be entitled to one vote, and in all cases of elections for directors, the nine stockholders having the greatest number of votes shall be declared duly elected.

**Quorum for
business.**

Sec. 5. Five directors shall be a quorum for the transaction of business, who, in the absence of the President, may appoint a President pro. tem. The directors shall appoint a Secretary, Treasurer, and Engineer, and such other officers as they may find necessary, shall fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have full power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares; may declare forfeited to the use of the company the share or shares of any person failing to pay any instalment at a reasonable period, not less than thirty days, after the time appointed for the payment thereof: *Provided*, No instalment shall be demanded of the shareholder exceeding two dollars at any one time on such share, nor while a sum exceeding three thousand dollars remains in the hands of the Treasurer unappropriated to such portion of the work as may at the time be completed. They shall have power to regulate tolls; to make such covenants, contracts, and agreements with any person or persons, or body corporate or politic whatever, as the execution and management of the works and the convenience and interest of the company may require, and in general may superintend all the operations, receipts, disbursements, and other proceedings of the said company.

Proviso.**Route.**

Sec. 6. The said company shall have power to locate and construct a single or double track Plank Road from such eligible point in the town of Howard, on the Fox river opposite Green Bay, to such eligible point in the village of Stevens' Point, as the stockholders holding a majority of stock of said company may determine upon by vote at a special meeting, called for the purpose of fixing the location or termination of said road, or as the

directors duly authorized by a vote of said stockholders, taken at such meeting as aforesaid, may determine upon ; and they shall also have power to locate and construct a branch plank road to connect the said road with the village of Depere, said branch to connect with said road at a point which shall not be more distant from Depere than from the eastern termination of said road ; and the said company shall also have power to construct a branch plank road to connect the said Western Plank Road with the village of Plover Portage, and to continue the said branch down the Wisconsin river to the village of Grand Rapids ; the said branch plank road to commence on the said Western Plank Road at a point which shall not be at a greater distance from Plover Portage than from Stevens' Point aforesaid. And the said company shall have power to erect all such toll houses and other works and appendages as may be necessary for the convenience of said company in the use of the said road ; and also to connect the said road with other plank roads in the State of Wisconsin, and to unite and consolidate stock with any such plank road company. The track of said road shall be constructed of plank, stone, gravel, or charcoal, in whole or in part at the option of the directors, so that the same shall constitute a firm and smooth surface for the passage of wagons and carriages. The directors shall exercise all powers conferred on them by law ; shall audit and pay all accounts against said company ; fix the compensation and salary of the officers they may appoint ; and meet at such times and places as they may prescribe in the by-laws to be enacted by them ; they may appoint and remove all officers at pleasure ; prescribe the meeting of the Stockholders and declare and pay the dividends, or so much of the surplus profits of the Company as they shall deem advisable, which may accrue on the shares of said Stock to the Stockholders of said Company, on the 1st Monday of January and July in each year.

Power to connect with other roads.

Toll houses.

Trunk of the road.

Powers of directors.

Sec. 7. It shall and may be lawful for said Company their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage ; and when said route shall be determined by said Company, it shall be lawful for them, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject however to the payment of such compensation, as the

May enter upon lands.

Provide.

Company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed; *Provided*, That in such places as may be necessary for the Company to obtain gravel or stone or to make excavations or embankments for the construction of said road, the Company may locate the road, not to exceed six rods in width; and they may also cut down such trees on each side, of said road as may endanger said road by falling or otherwise. And it shall be lawful for the said Company, their officers, engineers and agents to enter upon any lands belonging to the State of Wisconsin, for the purpose of exploring, surveying and locating the route of said road, doing there to no unnecessary damage; and when said route shall be determined by the said Company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use said lands, not exceeding four rods in width, along the line of said road.

State lands.

In case of disagreement of owners of such real estate.

Sec. 8. When said Corporation cannot agree with the owner or owners of any sand, gravel, stone or other material required for the construction of said road, for the purchase thereof, or for the compensation to be paid therefor, or when by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then and in any such case, it shall be lawful for any Justice of the Peace of the town in which the property may lie, to issue a warrant directed to the Sheriff or any Constable of said County, not directly interested, requiring him to summon a jury of nine free-holders of said County, not interested in said property, to meet the said Justice at some convenient place at or near the property to be valued on a day in said warrant named, not less than five nor more than ten days from the date of said Warrant; and if at the time and place named, any of the persons so summoned do not attend, the said Sheriff or Constable shall immediately summon as many as may be necessary, with the persons in attendance as Jurors, to furnish a panel of nine Jurors, and from them the said Company and the owner or owners of the property to be valued, their agent or attorney or either of them, and if they are not present in person or by attorney, the Sheriff or Constable shall for him, her or them, strike off each two of said Jurors, and the said five shall act as a Jury of inquest of damages.— Before they act as such, the said Justice of the Peace, shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the sand or

material required for such road and all damages, which the owner or owners shall sustain by reason of the consideration the advantages the same will be to owner or owners, according to the best of his skill and judgment, whereupon the said Justice and Jurors, shall proceed to review the said lands or material so requires, and to hear the evidence of the respective parties, which the said Justice shall reduce to writing, which shall be signed by the said Justice, and the verdict of the Jurors thereon shall be signed by the Jurors or a majority of them, and by the Justice of the Peace; and the said Justice shall within five days thereafter transmit the same to the Clerk of the Circuit Court of the proper County who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof, as aforesaid, and such valuation when paid, together with the costs of such inquisition, or tendered to the owner or owners or deposited with said Court, it shall entitle the said Company to the estate, and the interest in the same thus valued as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken, shall be used for the track of said plank road; *Provided*, That it shall not be lawful for any Justice and Jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof his her or their legal representative, unless it be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of the meeting for the purpose of making such valuation, or unless it shall in like manner be shown, that such owner or owners are under age or non compos mentis.—Such service of notice may be made upon the Guardian or Trustee, under these are restrictions as in case of owners, or if there be no Guardian or Trustee the same shall be established by affidavit; *Provided*, That no such material shall be taken if the jury shall decide, that the same are essential to the owner or owners thereof. Proviso.

Sec. 9. The shares of Stock of the Corporation shall be deemed personal property, and every person becoming a shareholder by transfer purchase or otherwise of shares of said Stock, shall succeed to all the rights and liabilities of the prior holder of said share or shares. Stock to be personal property.

Sec. 10. The Directors may erect toll gates, and exact Tolls. toll from person traveling upon their road, whenever five consecutive miles are finished, or when the whole road is completed, not exceeding two cents a mile, for every

vehicle, sleigh, sled, or carriage drawn by two animals, and if drawn by more than two animals one cent a mile, for every additional animal; for every vehicle, sleigh, sled, or carriage drawn by one animal one cent a mile, and for every horse and rider or led animal one cent a mile; for every score of sheep or swine one cent a mile, and for every score of neat cattle four cents a mile. The toll gatherer at each and every gate when erected on said road in pursuance of this act may detain, and prevent from passing such gate, any carriage or animal, subject to toll until the toll thereon is paid.

Manner of prosecuting for injuries to the road.

Sec. 11. If any person shall wilfully and knowingly break or injure or destroy the plank road, to be constructed by said Company or any part thereof, or any work, building or fixture attached to, or in use upon the same, belonging to said Company, such person or persons so offending, shall each of them for every such offence be liable to a civil suit for the recovery of damages by said Company, in an action of trespass in any Court, having competent jurisdiction in the County or Counties where the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine or imprisonment or either at the discretion of the Court.

Penalties.

Sec. 12. Any person who shall wilfully break or throw down any gate upon such road which may have been erected in pursuance of this act, or do any damage to said road or forcibly or fraudently, pass any such gate without having paid the legal toll or to avoid the payment of the legal toll, shall with his team, carriage or animal turn out of said road, or pass any gate thereon, on ground adjacent thereon, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars to and for the use of said Company, and also for all damages done to the profits of said Company in an action of trespass.

Provision for increase of capital stock.

Sec. 13. The Directors of said Company at any annual or special meeting of the Stockholders, with the consent of a majority in amount of Stockholders, may provide for such increase of the Capital Stock as may be found necessary to complete said road, in such Sections as may have been actually commenced, but remain unfinished for want of means for completing the same.

Sec. 14. The said Company may construct the said plank road across any public or private road, highway, stream of water, or water course, if the same shall be necessary, but the said Company shall restore such road,

highway, stream of water, or water course, to it's former state, or in a sufficient manner not to impair the usefulness of said road, highway, stream of water, or water course to the owner or to the public.

Company may cross thoroughfares.

Sec. 15. If said Corporation shall not, within three years from the passage of this act, commence the construction of said plank road, and expend three thousand dollars on more thereon, and shall not within ten years from the passage of this act, construct, finish and put into operation a single or double track plank road from Green Bay to Stevens Point, then the rights, privileges, and powers of the said Corporation under this act shall be null and void.

Condition of the charter.

Sec. 16. The said Company are hereby authorized and empowered to extend, lay out and continue the said plank road, at any time within five years from the passage of this act, from Stevens Point aforesaid westward to some point on the Black River; and whenever the said Company shall decide to extend said plank road as aforesaid, they may increase the Capital Stock to two hundred thousand dollars, which may be subscribed in shares of like amount as the original Stock and for that purpose may open anew their books, or new books for the subscription of such additional Stock, and may appoint such agents to attend to the same as may be necessary for carrying out fully the provisions of this act.

May continue their road.

Sec. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved, March 17, 1853.

An Act relating to the First Baptist Church of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 87.

SECTION 1. The Trustees of the first Baptist Church of Milwaukee, are hereby authorized to issue the Bonds of said Church, for such sums as they may require, not exceeding in the aggregate the sum of three thousand dollars, payable at such time and with such interest, not exceeding twelve per cent, per annum as they may deem proper, and secure the same by Mortgages upon the lot

May issue the bonds.

now owned by them and the Church edifice erected thereon.

Sec. 2. Said Trustees are also authorized to convey title or fee simple of the lot owned by them, should deem it for the interest of said Church, so to do to persons or to such religious Society, and upon such as they shall see fit.

Sec. 3. This act shall take effect from and after its passage.

Approved, March 17th, 1853.

Chap. 88.

An Act to extend Wisconsin Street in Portage City, and to change the name of a portion of the same.

The people of the State of Wisconsin, represented by the Senate and Assembly, do enact as follows :

Street extended.

SECTION 1. That the Street, known as Wisconsin Street, on the plat of Webb and Bronson in Portage City, County of Columbia and State of Wisconsin, is hereby extended from a point where said Street running in a westerly direction, reaches the south bank of the Portage canal, in a line direct and continuous as near as practicable to a portion of said Street lying within said plat of Webb and Bronson, west of lot 13, in Block 238, through the lots owned by Andrew Dunn, Hugh McFarlan, Wm. Armstrong, Samuel Morrison, Charles H. Moore, John Coffey, Maximilian Averback, James O. Neal, and the heirs of Clark Whitney, lying and being on Sections 6, and 8, of township 12, north of Range 9, East.

Name altered.

Sec. 2. The name of that portion of the Street, known as Wisconsin Street in said Portage City, which diverges from the general direction of said Street for an angle on the South bank of said Portage Canal, from thence running in a north westerly direction, is hereby changed and altered to De Witt Street, and said portion of said Street shall hereafter be so known and titled.

Tract vacated.

Sec. 3. That all the land now platted, and laid out to City lots, belonging to the heirs of Clark Whitney and others, and lying north of the Portage canal, and within that portion of said Wisconsin Street, described in the first Section of this act, as a continuation of said Street from the south bank of said canal is hereby vacated.

Approved, March 17, 1853.

An Act to incorporate the Green Bay, Depere and Madison Railroad Company.

Chap. 89.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Otto Tank, Morgan L. Martin, Timothy O. Howe, Francis Desnoyer, Edgar Conklin, Daniel Butler, Joel S. Fisk, George H. Wood, Uriah H. Peoke, Randall Wilcox of Brown county, Theodore Conkey of Outagamie, L. M. Miller of Winnebago county, and Simeon Mills of Dane county, H. S. Baird, D. M. Whiting, D. M. Loy, Hoel S. Wright, J. D. Doty, Bertrim Pinkney, C. Reed, C. D. Robinson, L. J. Farwell, E. D. Smith and Curtis R. Merrill, be and are hereby appointed Commissioners under the direction of a majority of whom subscriptions may be received to the Capitol Stock of the Green Bay, Depere and Madison Railroad Company hereby incorporated, and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the Capitol Stock of said Company, first giving thirty days notice of the times and places of taking such subscription, by publishing the same weekly in a public newspaper printed in the county of Brown, and also in one printed in the county of Dane.

Commissioners.

Books opened.

Sec. 2. The Capital Stock of said Company shall be fifty thousand shares of one hundred dollars each, and as soon as five hundred shares of stock shall be subscribed and five dollars on each share actually paid in, the subscribers of such Stock with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created and declared to be a body Corporate and politic, by the name and style of the Green Bay, Depere and Madison Railroad Company, with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a Corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real personal or mixed, and in their Corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said Corporation.

Capital Stock.

Style.

Powers.

Sec. 3. The said Commissioners, or a majority of them, after the said five hundred shares of Stock shall have been subscribed, as aforesaid, shall give at least thirty days notice in the newspapers hereinbefore mentioned, of the

Election of directors.

Provisoes.

time and place by them appointed for the Subscribers or Stockholders to meet for the purpose of Electing thirteen Directors ; and annually thereafter the said Stockholders shall meet on the second Wednesday in January for the purpose of electing directors as aforesaid, upon like previous notice to be given as aforesaid : *Provided*, That previous to the first election, the Commissioners hereinbefore named shall elect one of their number President, and they shall perform all the duties and be invested with all the powers of Directors : *And provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid ; that until such election, the Directors of the preceding year shall continue to act, and that this Charter shall not be avoided by reason of the irregularity or want of such election ; *And provided*, also, that in case of vacancy from the death or resignation of any Director his place may be filled by the Board of Directors.

Choosing directors and their powers.

Sec. 4. The affairs of the said Corporation shall be managed by a board of thirteen Directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed by the Stockholders of the said Company, the votes to be delivered in person or by proxy duly authorized, which Directors shall appoint one of their own number to be President, and shall respectively serve for one year, or until other Directors be elected ; they shall have power to make and establish such By-Laws, Rules, Orders and Regulations, not inconsistent with the Constitution and Laws of the United States or of the State of Wisconsin, as may be necessary for the well ordering of the affairs of said Company.

Each share of stock entitled to one vote.

Sec. 5. None but Stockholders shall be elected Directors, and at every election, and in all cases upon which Stockholders shall be called upon to vote, each share of Stock shall be entitled to one vote, and in all cases of election of Directors, the thirteen Stockholders having the greatest number of votes shall be declared duly elected.

Officers.

Sec. 6. The said Directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. A majority of the Directors shall be a quorum for the transaction of business, who in the absence of the President shall appoint a President pro tem.; the said shall appoint a Secretary, Treasurer and such Engineers and other Officers as they may find necessary ; they shall have power to fix the Compensation of

all officers, and may demand adequate security for the performance of their respective trusts; they shall decide the time, and manner and proportions in which the said Stockholders shall pay the money due on their respective shares, and forfeit to the use of the Company the share or shares of every person or persons failing to pay any instalment so required, at a reasonable period, not less than thirty days after the time by them appointed for the payment thereof; they shall have full power to regulate tolls, to make such covenants, contracts and agreements, with any person, co-partnership or body politic, whatever, as the execution and management of the works and convenience and interest of the Company require, and in general superintend and direct all the operations, receipts, disbursements, and other proceedings of the Company; *Provided*, That no installment called in at any one time shall exceed ten dollars per share, and that no installment shall be called by the Directors without at least thirty days notice thereof in the newspapers herein before mentioned.

Regulations.

Proviso.

Sec. 7. The Directors chosen as aforesaid, shall issue a certificate to each Stockholder for the number of shares he or she may subscribe for or hold in said Corporation, signed by the President, countersigned by the Secretary, and sealed with the common seal, subject, however, to all payments due or to grow due thereon, which Stock shall be transferable in person or by attorney, executors, administrators, guardian or trustees under such regulations as may be provided for in the By-Laws of the Company.

Issuing of certificates.

Sec. 8. At each annual meeting of the Stockholders for the purpose of electing Directors, the Directors of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the Company for such year, and special meetings of the Stockholders may be called by order of the Directors, or by Stockholders holding one fourth in amount of the Capital Stock, on like notice as that required for annual meetings, specifying moreover, the object of the meeting; but no business shall be transacted at such special meeting unless a majority in value of the Stockholders shall attend in person or by proxy.

Annual statement.

Sec. 9. The said Company shall have power to locate and construct a single or double track Railroad, from such eligible point in the town of Green Bay, by the way of Depere, to such eligible point in the town of Madison in Dane county, as shall be determined on by a vote of the

Route.

Stockholders holding a majority of the Stock of said Company, at special meeting called for the purpose of fixing the location or termination of said road, and shall have power to transport, take and carry property and persons upon the same, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them; and they shall also have power to make, construct, and erect, all such side tracks, turnouts, and connecting tracks, and also all such warehouses, toll houses, machine shops, carriages, cars and other works and appendages, as may be necessary for the convenience of the Company to the use of the said Railroad, and also to connect said Railroad and operate the same with any other Railroads and branch Railroads, in the State of Wisconsin which may connect act with the same.

Power of company.

Must commence work in three years.

Sec. 10. If said Corporation shall not, within three years from the passage of this act, commence the construction of said Railroad, and within ten years complete the same, then the rights, privileges, and powers of said Corporation, under this act, shall be null and void.

May enter upon land.

Sec. 11. It shall and may be lawful for said Company, their Officers, Engineers and Agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing *thereto* no unnecessary damage, and when the said route shall be determined by said Company, it shall be lawful for them their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of, and use such lands, not exceeding five rods in width along the line of said route; subject, however, to the payment of such compensation as the Company may have agreed to pay therefore, or shall be ascertained in the manner hereinafter directed and provided in such cases respectively; and said Company are further authorized, by their offices, engineers and agents to enter upon lands adjacent to the railroad, beyond the limits of five rods, in the manner provided in this Act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary, beyond the limits of said road, and remove all substances and things which might endanger, obstruct or interfere with the free use of said road, and to deposit earth and gravel taken from deep cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construc-

Direct water-courses.

tion and repairs of said road, doing however, no unnecessary damage; and all lands so acquired, and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeable to the provisions hereinafter provided; and when such damages shall have *been* paid for or tendered, the title to the land occupied by such buildings, fixtures, excavations, and embankments, shall vest in fee simple in said Company.

Sec. 12. When the said Corporation cannot agree with the owner, or owners of such required land for the purchase thereof, or as to the compensation to be paid to the owner or owners of any land taken for the purpose aforesaid, or when by reason of the legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, then and in any such case it shall be lawful for the Judge of the Circuit Court of the county in which such lands are situated, on application of either party, and at the cost and charge of such Corporation, to appoint three disinterested persons, residing in said county, whose duty it shall be to view and examine or survey said lands, with the buildings and improvements, if any thereon, and to estimate the value of the land so taken, or required by the said Company, and all damages which the owner or owners thereof shall sustain, or may have sustained by reason of the taking of the same for the construction and use of said Railroad, or works appertaining thereto, and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some Justice of the Peace, or other person competent to administer oaths, faithfully, and according to the best of their abilities, to examine the land so taken or required by said Company, and impartially to estimate and appraise the value of the same, and the damages or injury which the owner or owners thereof, shall have sustained or may sustain by reason of the taking and using thereof by the said Company, whereupon, such Commissioners shall proceed to examine the premises and estimate the value of such land and the amount of damages, which may accrue to such owners as aforesaid, and shall make a report of such valuation in writing, under their hands and seals, to said Judge, and shall return the same within thirty days after their appointment, to the Clerk of the Circuit Court of the county in which they reside; and it shall be the duty of said Clerk to file the same, and in case no appeal shall be made within thirty-days after the filing

Compensation for land how decided when corporation & owners cannot agree.

Proviso.

of said reports, as hereinafter provided, then the said Clerk shall record the same at the expense of said Company and judgment of the said Court shall be entered thereon, on motion of either party, at any term of said Court; *Provided*, That either party may appeal to said Court within thirty days after such report shall have been filed in the Clerks Office; and such appeals shall be tried in the same manner as other issues are tried in said Court, and the jury empannelled to try the same, shall find the value of the land so taken or required by said Company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, and judgment of Court shall be entered accordingly; *Provided also*, That it shall not be lawful for the said Commissioners, or said Court, to proceed in the assessment of damages, or in the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners thereof, his, her or their agents or attorneys, unless it shall be shown to them by competent testimony, that the said owner or owners have had at least five days notice of the time and place at which such assessment or valuation was to be made, or that the said owners are absent from the State of Wisconsin, and if the said owner or owners shall be minors, or non compos mentis, or absent from the State, the service of notice may be made on their guardian or trustee, if any there be, or in such manner as the Court may direct; *Provided also*, That upon the making and filing of any report, as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein, to the owner or owners of any such lands, his, her, or their legal representatives, the said Company, their agents, or the contractors for making or repairing said Railroad, may immediately take and use the same, without awaiting the issue of any appeal brought thereon.

Proceedings
when judgment
shall
have been
entered.

Sec. 13. Whenever any judgment shall have been entered, as hereinbefore provided, for the value of any lands or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her or their legal representatives, the said corporation shall be entitled to the estate and interest in the same, as fully as if it had been convey in fee simple, and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said Company by action at law, at the cost and expense of

the person or persons entitled to the same; Provided, That no costs of any proceedings and judgments specified in the last preceding Section, shall be taxed by the Court and paid by said Company, except in cases where upon appeal, the verdict of the jury shall be for the same, or a less sum, than that reported by the said Commissioners.

Sec. 14. The said Railroad shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads, or Railroads, which may cross the same, and in all places where such Railroad may cross, or in any way interfere with any public road or Railroad it shall be the duty of said Company to make or cause to be made, a sufficient causeway or passenger-way, to enable all persons travelling such public road or railroad to pass over or under such railroad without inconvenience; *Provided*, That in cases where said Railroad may cross or come in contact with any public or private road so as to occupy any part of such road, it shall be lawful for said Company to construct said Railroad across or upon such road, after altering and putting the same in as good condition as before, and for that purpose the said Company shall previously to occupying any part of such road, construct a new road in part or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road or part of a road so interfered with, in as good condition as the same was previous to the disturbance and occupancy thereof by said Company.

Shall not obstruct the passage of any public road.

Proviso.

Sec. 15. For the convenience of persons owning or possessing lands through which said Railroad shall pass, it shall be the duty of said Company whenever required, to make a good and sufficient passage-way over or under said Railroad, whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts and implements of husbandry as occasion may require; *Provided*, That said Company shall in no case be required to make more than one such passage-way for each farm; and when any public road shall cross such Railroad, in any farm, the persons owning or possessing such farm, shall not be entitled to require said Company to make any additional causeway.

Shall make good passage way over or under such road.

Sec. 16. On the completion of said Railroad, or of any portion of the track, not less than five miles, it shall and may be lawful for the Company to demand and receive such sum or sums of money for passage and freight of per-

When may receive money or freight.

sons and property, as they shall from time to time think reasonable.

Damages.

Sec. 17. If any person shall wilfully and knowingly break, injure or destroy the Railroad to be so constructed by said Company, or any part thereof, or any work, building or machinery attached to, or in use upon the same, belonging to said Company, such person or persons so offending, shall, each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence; which may be recovered in the name of the said Company by action of debt, in any Court having competent jurisdiction in the County wherein the offence shall be committed, and shall also be subject to indictment; and upon conviction of such offence, shall be punished by fine and imprisonment, or either at the discretion of the Court.

Public Act.

Sec. 18. This Act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State of Wisconsin shall be received as evidence thereof

**Penalties for
injuring the
road**

Sec. 19. Any person who shall willfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in a manner that the engines or cars may be impeded or thrown off the track, shall be deemed guilty of a misdemeanor, whether such accident shall take place or not, and shall be punished for every such offence by imprisonment in the State Prison for a term of not less than one, nor more than five years, at the discretion of the Court; and in case any damage shall result from the placing such obstruction or injury to said road, said party shall be liable to pay all such damage to said Company, and to any other person damaged thereby, and in case any accident shall happen (in consequence of placing such obstruction) or in consequence of breaking or injuring said road, whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeable to the law in such cases made and provided.

**May borrow
money.**

Sec. 20. The said Railroad Company are hereby authorized and fully empowered in their Corporate name and capacity, to borrow any sum or sums of money from any person or persons, Corporations, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said Company and any person or party of

whom such money may be obtained; and make and execute, in their Corporate name, all necessary writings, notes, bonds, or other papers, and make and execute and deliver, such securities in amount and kind as may be deemed expedient by said Corporation, any law on the subject of usury in this State or any other State where such transactions may be made, to the contrary notwithstanding; and the powers of said Corporation for the purposes aforesaid, and for all purposes necessary to carrying out the object of said Company namely, the construction of a Railroad from Green Bay to Madison, are hereby ratified and confirmed, and the contracts and official acts of said Company declared binding in 'law and Equity' upon said Corporation, and upon all other parties to such contracts.

Sec. 21. It shall be Lawful for said Company to purchase lands adjoining or adjacent to the Railroad for the purpose of procuring earth, gravel, or other materials for embankments and structures necessary to the construction or repairs of said road, and whenever such lands shall be no longer needed for the purpose aforesaid, the said Company is hereby authorized to sell and convey the same. May purchase adjacent lands,

Sec. 22. The said Company may construct the said Railroad across any highway, stream of water or water course, if the same shall be necessary; but the said Company shall restore such stream of water or water course, to its former state, or in a sufficient manner not to impair the usefulness of said stream of water or water course, to the owner or to the public. May construct road across highways, &c.

Sec. 23. In case of a violation by the Company of any of the provisions of this Act, the Legislature of the State of Wisconsin may resume all and singular the rights and privileges hereby granted to said Company. Forfeiture of company for violations,

Sec. 24. The said Company before opening their road through enclosed ground, shall erect such encing as shall preserve such enclosure entire, and shall before they commence to use said road as a Railroad, erect a good and sufficient fence on both sides of said road, through all such enclosed ground, and shall maintain the same. Company to erect fences.

Sec. 25. This Act shall be in force from and after its passage.

Approved, March 17, 1853.

An Act to authorize the County of Columbia to aid in the construction of certain Railroads.

Chap. 90.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Supervisors
authorized to
loan the credit
of the county.

SECTION 1. The Board of Supervisors of the county of Columbia is hereby authorized to loan the credit of said county, by issuing its bonds, to aid in the construction of certain railroads, leading from the city of Milwaukee to Portage City, in said county, and particularly to the Milwaukee and Watertown Railroad Company and the La Crosse and Milwaukee Railroad Company: *Provided*, That there shall not be loaned to either of said companies an amount exceeding one hundred and fifty thousand dollars, nor in the aggregate an amount exceeding three hundred thousand dollars, and that no portion of such bonds shall be issued or delivered to any railroad company except upon the terms and conditions prescribed in this act.

Amount, term,
and rate of in-
terest of bond.

Sec. 2. Every bond authorized by this act shall be for the sum of one thousand dollars, and for a term not less than ten nor more than twenty years, for a rate of interest not exceeding seven per cent per annum, payable semi-annually, both interest and principal payable in the city of New York, and shall be executed by the chairman of the Board of Supervisors of said county of Columbia, and countersigned by the clerk of said county board under its seal.

Company shall
execute bonds
to the county.

Sec. 3. Before the issue to any of said railroad companies of any bonds, such railroad company shall execute to the said county, for the benefit thereof, the bonds of such company, under the authority of its board of directors, signed by their President and countersigned by their Secretary under the corporate seal of such company, in a penal sum at least double the amount of the bonds proposed to be issued to such company, with the condition and covenants that such company shall punctually pay and discharge the principal and interest monies of such county bonds, and shall fully indemnify and save harmless the said county against all payments, liabilities, losses, damages and expenses, which it may incur or sustain in consequence of the issue and delivery of such county bonds.

Also mortgage
of railroad.

Sec. 4. To secure the performance of the covenants and conditions of such bond, such company shall at the same time execute and deliver to said county in due form of law, a mortgage of such portion of the railroad of such company, already constructed, as shall to the satisfaction

of the county Board of Supervisors of said county fully secure the performance of the covenants and conditions of the bond of said company above mentioned; and said county board may require such further and additional security of any such railroad company, before the issuing or delivery of any portion of such county bonds, as in their judgment shall be necessary to protect the interests of said county, and shall have power to release and surrender such additional security, from time to time, at their discretion.

Sec. 5. No bonds shall be issued or delivered except by virtue of a resolution duly passed by a vote of a majority of all the supervisors composing the county board of said county, nor until the company to whom said bonds are to be delivered shall have caused the whole line of their said road to be surveyed and put under contract, from Milwaukee to Portage City, in said county of Columbia.

When bonds shall be issued.

Sec. 6. One hundred and fifty thousand dollars of the county bonds above mentioned, in case they shall be issued in pursuance of the provisions of this act, shall be delivered to the Milwaukee and Watertown Railroad Company: *Provided*, No bonds of said county shall be delivered to said railroad company until the said railroad shall have been actually constructed and put in running order, from the point of intersection with the Milwaukee and Mississippi Railroad to the village of Watertown, in Jefferson county, and said company shall, within eighteen months from the date of the passage of this act, comply with all the requirements heretofore enumerated, and shall in addition thereto give security to said county that the funds arising from the sale of said bonds shall be applied to the building that portion of their said railroad lying between the village of Watertown, in the county of Jefferson, and Portage City, in the county of Columbia, and that their said railroad shall be constructed from the village of Watertown aforesaid, through the village of Columbus, in said county of Columbia: *Provided further*, That if said Milwaukee and Watertown Railroad Company shall not comply with said requirements within the time specified, then said board of supervisors are hereby authorized to deliver one hundred and fifty thousand dollars of the county bonds aforesaid to any other railroad company who shall, within two years from this date, comply with all the conditions heretofore mentioned and re-

Amount of bonds to be delivered and condition thereof.

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quired of said Milwaukee and Watertown Railroad Company, except as to the time of compliance.

Amount to La
Crosse and
Milwaukee
company.

Sec. 7. One hundred and fifty thousand dollars of the County bonds above mentioned, in case they shall be issued in pursuance of this act shall be delivered to the La Crosse and Milwaukee Rail Road Company; *Provided*, said La Crosse and Milwaukee Rail Road Company, shall within two years from this date comply with all the requirements, heretofore enumerated, and shall in addition thereto give ample security to said County, that the funds arising from the sale of said Bonds, shall be applied to the building of that portion of their said Rail Road, lying between the East line of said County of Columbia and Portage City on the Wisconsin River, and ; *Provided*, further, that said La Crosse and Milwaukee rail road shall have been actually surveyed, located, and put under contract, through the northern part of Columbia County and extending from the east line of said county to Portage City on the Wisconsin River, and that the whole extent of said rail road, shall have been actually constructed, and put in running order from the City of Milwaukee, to a point not exceeding ten miles distant from the East line of said County of Columbia ; but no Bonds of said County of Columbia shall be delivered to the said La Crosse and Milwaukee rail road Company, until said Company shall have complied with all the requirements of this act, (except those contained in Section six) and given ample security to the County Board, that said rail road shall be actually constructed and put in running order to Portage City within three years from the passage of this act.

Bonds to be
authorized by
vote.

Sec. 8. No Bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said County, voting upon said question shall vote in favor of the same, at an Election called by said Board of Supervisors for that purpose, to be held at the usual places of holding Elections in said County, at such Election those voting in favor, shall vote a ballot with the words inscribed thereon "For the Railroad Loan," and those voting against, shall vote a ballot with the words inscribed thereon "against the Railroad Loan," three weeks previous notice of said Election shall be given either in a newspaper printed in said County, or by notice posted in three public places in each of the towns in said County. Said Election shall be conducted, and the returns thereof made and canvassed in the same manner that other general Elections in said County are by law required to be held and conducted,

and the canvassers shall make, certify and sign, and deposit with the Clerk of the Board of Supervisors of said County a statement of the whole number of votes cast upon the question as well as a statement of the number, "for the rail road loan," and the number "against the rail road loan;" *Provided*, That this act shall be submitted to the legal voters of the County of Columbia, at the annual town meeting, to be held on the first Tuesday of April next, and that no notice of such Election shall be required to be given or published, and the same shall be held and conducted and returns thereof made as provided in Section eight of this act.

Sec. 9. This Act shall take effect, and be in full force from and after its publication.

Approved, March 19, 1853.

An Act to legalize the acts of the Clerk of school district No. 7, in the town of Forest and County of Fond du Lac.

Chap. 91.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. All the acts of the Clerk of school district No. 7, in the town of Forest in the County of Fond du Lac, done and performed at, and concerning the meeting organizing said school district No. seven (7) are hereby declared to be legal and valid, and such district shall be deemed to have had a legal meeting of organization.

Sec. 2. This act shall take effect from and after its passage.

Approved, March 19, 1853.

An Act to provide for the erection of County Buildings in the County of Washington,

Chap. 92.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That William Wightman, Paul A. Weil and, George Ramsey, be and they are hereby appointed Commissioners for the location of the site, and for the erection of County Buildings for the said County of Washington, as established by an act entitled an act for the division of the County of Washington, and the erection of the County of Ozaukee, Approved, March 4th, 1853.

Duty of Commissioners. Sec. 2. That it shall be the duty of the said Commissioners, as soon as convenient after the passage of this act and before the first day of June next to select some suitable ground for a Jail. Jailor's House and Court in the village of West Bend in the said County of Washington, and to acquire the title thereof to the said County of Washington by purchase or gift.

Shall procure plans. Sec. 3. That it shall be the duty of the said Commissioners within the time aforesaid, to make or procure suitable plans and specifications for the said buildings as soon as practicable after the acquisition of the necessary land as before provided, to advertise, and let to the highest bidder by contract, to be secured to their satisfaction for the work of constructing the said County buildings, and the materials therefor to be completed within fifteen months from the passage of this act.

Sec. 4. That the whole cost of the said land and buildings shall not exceed the sum of eight thousand dollars.

Shall notify Supervisors. Sec. 5. That as soon as the said Commissioner have ascertained the cost of the said land and buildings, and shall have made a contract as aforesaid for the erection of the said buildings, it shall be their duty to notify the same in writing to the Chairman of the Board of Supervisors of the said County; who shall thereupon cause a meeting of the said Board of Supervisors to be held; That thereupon it shall be the duty of the said Board of Supervisors to provide money for the payment of the cost of such land and buildings, according to the contract of the said Commissioners; or at the option of the said Board of Supervisors to issue to the said Commissioner the Bond of the said County of Washington for the amount payable, in not exceeding five years, and at a rate of interest not exceeding eight per cent payable annually, to be signed by the Chairman of the said Board of Supervisors, countersigned by the Clerk thereof and the Seal of the said County affixed.

Duty of Clerk Supervisors. Sec. 6. That it shall be the duty of the Clerk of the said Board of Supervisors to pay out such money, and deliver such Bonds as the case may be from time to time to the said Commissioners on their order, as the said Commissioners shall require; and the said Commissioners shall sell such Bonds or pay the same to the persons so aforesaid contracting with them, as they may deem proper and find practicable, and shall pay the amount from time to time to the contractor according to the terms of

said contracts and account for the same to the said Board of Supervisors in writing.

Sec. 7. That the majority of the said Commissioners ^{Majority may} may perform all the duties and exercise all the powers ^{act.} herein provided, in case of the neglect, refusal or dissent of the other; and that the said Commissioners shall receive as compensation for their services at the rate of one dollar and a half per day for their time actually spent, to be paid by the said Board of Supervisors.

Sec. 8. All acts and parts of acts heretofore passed contravening the provisions of this act are hereby repealed. This act shall take effect as soon as passed.

Approved, March 19, 1853.

An Act to incorporate the City of Janesville.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 93.

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. From and after the first Tuesday in April next the district of country in the county of Rock, contained within the limits and boundaries hereinafter described, shall be a city, by the name of Janesville, and the people now inhabiting and those who shall hereafter inhabit the district of country herein described, shall be a municipal corporation by the name of the City of Janesville, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and of being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure. ^{Powers of Corporation.}

Sec. 2. The territory lying in the county of Rock and included within the following described limits and boundaries, shall constitute the City of Janesville, to wit: All of sections one and two in township two north of range twelve east, all of sections twenty-five, twenty-six, thirty-five and thirty-six, in township three, north of range twelve east. The west half of section six, in township two, north of range thirteen east, and the west half of sections thirty and thirty-one, in township three north of range thirteen east. ^{Boundary.}

Division into wards. Sec. 3. The said City shall be divided into four wards as follows: All that part of said district which lies west of the middle of Rock river and north of the middle of Pleasant street and the Galena road, shall be the first ward; and all that part of said district that lies east of the middle of Rock river and north of the middle of Court street and the middle of the highway leading from said Court street to the north-east corner of the north-east quarter of section thirty-six of said town three range twelve east, and all that part of said district lying in section thirty of township three north of range thirteen east, shall be the second ward; all that part of said district lying south of said second ward and east and south of the middle of Rock river and east of that portion of the quarter section line passing north and south through the centre of section one township two range twelve east, lying and being south of the point of intersection of said quarter section line and the middle of Rock river, in said town two, shall be the third ward; and the residue of said district shall be the fourth ward.

CHAPTER II.

ELECTIONS.

Annual election. SECTION 1. The annual election for ward and City Officers shall be held on the first Tuesday of April of each year, at such place in each ward as the Common Council shall designate, and the polls shall be kept open from nine o'clock in the forenoon till five o'clock in the afternoon, and ten days previous notice shall be given by the Common Council of the time and place of holding such elections and of the city and ward officers to be elected. The elective officers of said city shall be a Mayor, Clerk, Superintendent of Schools, Treasurer, Attorney, and Marshal and one Justice of the Peace for each ward. All other officers necessary for the proper management of the affairs of said city shall be appointed by the Common Council. All elective officers except Justices of the Peace shall, unless otherwise provided, hold their respective offices for one year and until their successors are elected and qualified: *Provided*, however, the Common Council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer

Proviso.

complained of. Justices of the Peace shall hold their offices for two years and until their successors are elected and qualified.

Sec. 3. Whenever a vacancy shall occur in the office of Mayor or Alderman, such vacancy shall be filled by a new election, which shall be ordered and held within fifteen days after such vacancy shall occur; any vacancy happening in any other office shall be filled by the Common Council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill. Vacancies how filled.

Sec. 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. Where two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the Common Council, at such time and in such manner as they shall direct. Elections.

Sec. 5. All persons entitled to vote for county or State officers, who shall have resided within the city for one year preceding the election, and for thirty days within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created. Qualifications for voting.

Sec. 6. The elections in said city, after the first, shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections, and shall take the usual oaths or affirmations as prescribed by the general election laws of this State to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the laws of this State regarding elections. Mode of conducting elections.

Sec. 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving the vote of any such person shall require him to take the following oath:

You do solemnly swear [or affirm, as the case may be,] that you are twenty-one years of age; that you are a citizen of the United States, (or have declared your intention to become a citizen conformibly to the laws of the United Oath.

States on the subject of naturalization,) that you have resided within this city one year, and within this ward thirty days next preceding this election, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election.

Penalties for
illegal voting.

And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to an indictment, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars, or less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes, and if any inspector shall knowingly and corruptly receive the vote of any person not duly authorized to vote, or shall make out false returns of an election, or any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, and not less than one hundred dollars. All such indictments shall be tried in the Circuit Court for the county of Rock.

Returns.

Sec. 8. When any election under this chapter after the first, shall be closed, and the number of votes for such [each] candidate or person voted for shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each and every office, and shall deliver or cause to be delivered such returns to the clerk of the common council, who shall forthwith give notice to each of the aldermen elected of their respective elections. Within one week after any election, the common council shall meet and canvass said returns, and declare the result as it appears from the same.

Sec. 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the alder-

men of each ward in the same manner, and the returns thereof shall be made in the same form as general or annual elections, and within such time as may be prescribed by ordinance. Special elections.

Sec. 10. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein prescribed. Vacancies filled by the common council.

Sec. 11. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for two years, and two aldermen who shall hold their offices for one year. Term of aldermen.

Sec. 12. At every annual election thereafter there shall be elected one alderman for each ward who shall hold his office two years, and one alderman who shall hold his office for one year.

Sec. 13. The votes for the alderman who shall hold his office for two years shall be deposited in a separate box; and the votes for aldermen holding their office for one year, and all other elective officers, shall be one ballot and deposited in a separate ballot box.

Sec. 14. There shall be written or printed, or partly written or printed, at the head of the vote for alderman for two years the words "alderman for two years;" and at the head of the vote for alderman for one year, "alderman for one year."

Sec. 15. The aldermen in each ward elected for two years shall be in the order of their election members of the county board of Supervisors, with all the rights, duties, and liabilities of the chairman of the board of Supervisors of the several towns. Aldermen members of Board of Supervisors.

Sec. 16. By consent of a majority of the aldermen of any ward, the alderman for two years may substitute either of the other aldermen in his place in said board of supervisors for such time as may be named by him in writing. Substitutes.

Sec. 17. The term of every officer elected under this law shall commence on the second Tuesday in April of the year for which he was elected; and shall unless hereinafter otherwise provided continue for one year, and until his successor is elected and qualified. Commencement of term of office.

Sec. 18. Should there be a failure by the people to elect any officers herein required to be elected on the day In case of failure to elect.

designated, the common council may order a new election to be held, ten days notice of the time and place of holding the election being first given.

Duties of Supervisors. Sec. 19. The Supervisors of the town of Janesville, shall, at least ten days previous to the first election of officers in said city, appoint the time and places of holding such election in each ward, and appoint the inspectors of elections, and two clerks in each ward, and give notice of such appointments at least five days previous to such election by publishing the same in a newspaper printed in said city. Such inspectors shall at such first election have the powers and duties conferred by this charter on the aldermen of each ward acting as inspector of elections.

Returns delivered to town clerk of Janesville. Sec. 20. When the first election under this charter shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make return thereof, stating the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the present town clerk of Janesville. Within one week after such first election the present board of Supervisors of the town of Janesville shall meet and canvass the returns and declare the result as it appears from the same.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Shall give bond. SECTION 1. Every person elected or appointed to any office, under this charter shall, before he enters upon the duties of his office, take and subscribe an oath of office before some proper officer authorized to administer oaths, and file the same duly certified by the officer taking it, with the Clerk of the city; and the Treasurer, Clerk, Marshal, Superintendent of Schools, Constables, and such other officers as the Common Council may direct, shall, severally, before they enter upon the duties of their respective offices execute to the city of Janesville, a bond, with at least two sureties, who shall swear they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities and said bonds shall contain such penal sum, and such conditions as the Common Council may deem proper; and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Sec. 2. The Mayor shall when present, preside over the meetings of the Common Council, and take care that the laws of the State and the Ordinances of the city are duly observed and enforced, and that all other Executive Officers of the city discharge their respective duties; he shall from time to time, give the Common Council such information and recommend such measures as he may deem advantageous to the city. The Mayor shall be the Chief Executive Officer, and the head of the Police of the city; and in case of a riot or other disturbance, he may appoint as many special or temporary Constables as he may deem necessary. The Mayor shall have a vote only in case of a tie.

Sec. 3 At the first meeting of the Common Council, each year, they shall proceed to elect, by ballot, one of their number President, and in the absence of the Mayor, the said President shall preside over the meetings of the Common Council; and during the absence of the Mayor from the city, or his inability, for any reason, to discharge the duties of his office, the said President shall exercise all the powers and discharge all the duties of the Mayor. In case the Mayor and President shall be absent at any meeting of the Common Council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president, or temporary presiding officer, while presiding over that board, or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them, or by either of them, shall have the same force and validity as if performed by the mayor.

Mayor.
President of
council.

Sec. 4. The clerk shall keep the corporate seal and all papers and records of the city; and keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend: and copies of all papers filed in his office, and transcripts from the records of the common council certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced; he shall draw and counter-sign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose, he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages so filed, shall be as valid and have the same effect as if the

Duties of the
clerk,

same had been filed in the town clerk's office of any town. It shall also be his duty to do and perform any act required to be done by clerks of towns, not inconsistent with the provisions of this act, and he shall have power and authority to administer oaths and affirmation.

Of the attorney, Sec. 5. The attorney shall perform all professional services incident to the office, and when required, shall furnish written opinions upon any subject submitted to him by the common council, or its committees.

The treasurer, Sec. 6. The treasurer shall receive all moneys belonging to the city and keep an accurate and detailed account thereof in such manner as the common council shall from time to time direct. The treasurer shall exhibit to the common council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of all receipts and expenditures, after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the clerk. The treasurer shall, in addition, have the same powers, duties, and be subject to the same liabilities, and be entitled to the same compensation as treasurers in towns.

Superintendent of Schools, SECTION 7. The superintendent of schools shall have and exercise the same powers and duties, receive the same compensation, and be subject to the same liabilities as the superintendent of schools in townships.

Marshal. Sec. 8. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and the collection of licence moneys and fines; he shall possess the powers of constable at common law, or by the laws of this state, and receive like fees.

Common Council may require other services. Sec. 9. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed; and to appoint such officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such office [officer] shall remain in office.

First meeting in each year. Sec. 10. The common council at their first meeting in each year, or as soon thereafter as may be, shall designate not more than one weekly or daily newspaper printed in

said city, in which shall be published all ordinances and other proceedings and matters required by this act or by the by-laws or ordinances of the common council, to be published in a public newspaper.

Sec. 11. The city printer, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his affidavit or the affidavit of his foreman of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution. City Printer.

Sec. 12. If any person having been an officer in said city shall not within ten days after notification and request deliver to his successor in office, all property books, papers and effects, of every description, in his possession belonging to said city or appertaining to the office he may have held, he shall forfeit and pay for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state. Officers to deliver up books to successors.

Sec. 13. No alderman shall be a party to, or interested in, any job or contract, with the city or any of the wards, and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue in the name of the city, for and recover the amount so paid, from the parties to such contract and the alderman interested in the same.

Sec. 14. The mayor or acting mayor, the sheriff or deputy sheriff of Rock county, and each and every alderman, justice of the peace marshal, constable and watchman, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purposes may command the assistance of all by-standers, and if need be, of all citizens and military companies; and if any person, by-stander, military officer, or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress rioters or disorderly behavior, the superior senior officer present, in the order mentioned in this section, shall direct the proceedings. Officers of the peace.

Sec. 15. There shall be elected by the common coun-

City Surveyor. cil, a city surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans, or estimates made by him for the city, or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested. and the same together with all books and papers appertaining to said office shall be delivered over by the surveyor, at the expiration of his time of office, to his successor, or the common council.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Style of ordinances. SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be—"The mayor and common council of the city of Janesville do ordain, &c."

The common council shall meet at such time and place as they, by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Meetings Sec. 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be served personally, or left at at their usual place of abode.

Determine Rules. The common council shall determine the rules of its own proceedings, and be the judge of the election and disqualifications of its own members, and have power to compel the attendance of absent members.

Powers of Common Council. Sec. 3. The Common Council shall have the management and control of the finances and of all the city property; and shall, likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend, and repeal all such ordinances, rules and by-laws, for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, and as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordin-

ance, rules and by-laws; and such ordinance, rules and by-laws are hereby declared to be and have the force of law: *Provided*, That they be not repugnant to the constitution and laws of the United States or of this State; and for these purposes shall have authority by ordinances, resolutions or by-laws.

1. To license and regulate the exhibitions of common showmen and shows of any kind; the exhibitions of caravans, circuses and theatrical performances; the keeping of billiard tables and bowling saloons; and to provide for the abatement and removal of all nuisances, under the ordinances or at common law; and to grant licences, and regulate groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous or fermented liquors; *Provided*, that the license for so dealing in spirituous or fermented liquors shall be, for a tavern or hotel thirty dollars a year, and for a grocery or saloon fifty dollars a year; and that no license shall be granted for a less term than one year.

2. To restrain and prohibit all descriptions of gaming, and fraudulent devices and practices, and all playing of cards, dice, or other game of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous liquors, fermented or vinous liquors, unless duly licensed by the Common Council.

3. To prevent any riots, noise or disturbance or disorderly assemblages, suppress and restrain disorderly houses, or groceries, and houses of ill fame, and to authorize the destruction of all instruments used for the purposes of gaming.

4. To compel the owner or the occupant of any grocery cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove, abate the same from time to time as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

5. To direct the location and management of slaughter houses and markets, and to establish rates for and license venders of gunpowder, or other combustible materials.

6. To prevent the encumbering of the streets, sidewalks, lanes or alleys, with carriages, carts, wagons, sleighs, boxes, lumber, firewood or any other materials or substances whatever.

7. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

8. To restrain running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same.

9. To prevent the running at large of dogs, and to authorize the destruction of the same, in a summary manner, when at large contrary to the ordinance.

10. To prevent any person from bringing, depositing, or having within said city, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides, or skins of any kind; and on default to authorize the removal thereof, by some competent officers, at the expense of such person or persons.

11. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants; to erect lamps, and regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; and to provide for lighting the streets, public grounds and public buildings, with gas or otherwise.

12. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

13. To regulate the assize and weight of Bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

14. To prevent all persons riding or driving any horse, ox, mule, cattle or other animal on the side walks in said city, or in any way doing any damage to such side walks.

15. To prevent the shooting of fire arms, or crackers, and to prevent the exhibition of any fire-works in any situation which may be considered by the council dangerous to the city, or any property therein, or annoying to any citizen thereof.

16. To restrain drunkards, immoderate drinking, obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

17. To restrain and regulate runners and solicitors for

railroads, stages, public houses or other establishments, and to regulate the police of the city.

18. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

19. To license and regulate butcher's stalls, shops and stands for the sale of game, poultry, butcher's meat, butter, fish, fruit, and other provisions and vegetables.

20. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same.

21. To compel the owners or occupants of buildings or grounds to remove snow, dirt, or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant.

22. To regulate the time, place and manner of holding public auctions or vendues.

23. To appoint watchmen, and prescribe their duties.

24. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

SEC. 4. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in the official paper or papers of said city, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk, in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by laws shall be recorded, the publication thereof respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, which vote shall be

Laws, ordinances to be published,

taken by ayes and noes, and entered among the proceedings of the council.

Nuisances.

SEC. 5. The powers conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the Courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept, at any one time, gambling houses, houses of ill fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold, without the license required therefor, within the limits of said city, are hereby declared to be, and shall be deemed public or common nuisances.

Council to audit accounts of officers.

SEC. 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, superintendent of schools, overseers of the poor of each ward, street commissioners of each ward, marshal and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer, and agent, to exhibit his books, accounts and vouchers, for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall order suits and proceedings at law against any officer and agent of said city, who may be found delinquent or defaulting in his accounts or in the discharge of his official duties; and shall make a full record of all such settlements and adjustments.

Taking railroad stock.

SEC. 7. The common council of said city shall have power to submit to the legal voters thereof, the question whether said city shall take stock in any railroad running to or passing through said city, by giving in some newspaper published in said city, at least ten days notice of the time and place of deciding said question; and stating in such notice the amount to be subscribed. The question shall be decided by ballot, those in favor of taking stock, voting "for taking stock;" and those opposed, voting "against taking stock." If a majority of the votes cast on such question be in favor of taking stock, then the com-

mon council shall, by resolution to be entered in the city records, authorize the mayor to subscribe for the city the amount of stock so voted to be taken.

When such stock is subscribed, said city shall have the same powers and privileges, and be subject to the same liabilities as other stockholders in such company, excepting, only the reservations and agreements made by said common council with the directors of such railroad company.

SEC. 8. The common council shall have power to appoint some person to cast the number of votes to which said city may be entitled, at the election of the directors of any railroad company, in which said city shall be a stockholder. Person appointed to vote for the city.

SEC. 9. The common council shall have power to issue the bonds of the city, with coupons, or interest warrants attached, drawing not more than ten per cent interest, to pay the stock so subscribed, and shall have power to levy a special tax on the taxable property in said city to pay the interest on such bonds, and also the principal when the same may become due. But the common council shall not have power to dispose of such bonds for less than the face thereof. May issue bonds.

SEC. 10. The common council shall be overseers of the poor, and shall have the same powers and perform the same duties, in respect thereto, as overseers of the poor in towns.

CHAPTER V.

FINANCES AND TAXATION.

Sec. 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer, shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any tax or assessment levied by the authority of the city.—All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement. Council to control funds.

Annual tax. Sec. 2. The said council shall annually levy a tax upon all the property in said city, subject to taxation, not exceeding one per cent, to defray the current expenses of the city; and also an additional tax of such sum as they may deem necessary for the repair and building of roads and bridges, and for the support of the poor.

Special taxes. Sec. 3. Special taxes for purchasing fire engines, of cemetery grounds, public squares, or for improving the same, may be voted at any regular or special meeting; but no such vote shall be taken unless such tax be first recommended by the common council, and a notice of the same specifying the purpose for which said tax is to be raised, and the time and place for voting, be published, at least ten days before such meeting, in some newspaper in said city.

CHAPTER VI.

OPENING OF STREETS, ALLEYS, ETC.

Power of council to lay out street &c. Sec. 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows:—Whenever ten or more freeholders residing in any ward, shall, by petition, represent to the common council, that it is necessary to take certain lands within the ward where such petitioners may reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or for enlarging or widening the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such [petition] the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if any portion of such lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be, the premises proposed to be taken, to be published in the official paper for four weeks at least once in each week.

Notice to be published.

Form of notice Sec. 2. Such notice shall state, that on a certain day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge

of the circuit or county court for Rock county, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary to take the same for the purpose specified in said petition.

Sec. 3. Upon the presentation of such application, and proof of the publication or service of the notice hereinbefore required, the said judge shall thereupon appoint twelve reputable freeholders, residents of the city, but not residents of the ward in which such premises may lie, nor interested in the result of such application. The said judge shall thereupon issue his precept, directed to said jurors, requiring them, within thirty days, to view said premises, to be specified in said precept, and to make return under their hands, to the common council, whether, in their judgment, it is necessary to take said premises for the purpose specified in such application. Jurors appointed.

Sec. 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Sec. 5. The said jurors, at such time as they may agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing, by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses. Duties of the jurors.

Sec. 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited therein.

Sec. 7. Should the jurors report that it is necessary to take such premises, the common council shall enter an order among their proceedings, confirming said report, and directing the same jurors within one month thereafter, or such future time as may be deemed proper, again to view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefited by such taking, and to assess and return within the time limited, such damages and benefits to the common council. Report of jurors.

Buildings on
premises,

Sec. 8. If there should be any building standing whole or in part, upon the land to be taken, the assessors, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and submit the same to a jury to him in having such building taken from him. Secondly, the value of such building to him to remove.

Notice to
owner.

Sec. 9. At least ten days personal notice of such termination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non resident, notice to persons interested shall be given by publication in the city paper, three successive weeks; such notice shall state the building and the award of the jurors.

It shall also require the parties interested to appear on a day to be therein named, or give notice of their appearance to the common council, either to accept the award of the jurors, and allow such building to be taken, with compensation appropriated, or of their intention to remove such building at the value set thereon by the jurors, to remove. If the owner shall agree to remove such building, he shall be allowed such time for this purpose as the common council may allow.

If owner ob-
ject,

Sec. 10. If the owner refuse to take the building at the value to remove, or fail to give notice of his appearance as aforesaid, within the time prescribed the common council shall have power to direct the sale of such building at public auction for cash, giving ten days notice of such sale.

Proceedings
of the jurors.

Sec. 11. The said jurors within the time limited shall view and examine the premises proposed to be taken, and all such other premises as will in their judgment be benefited or be benefited thereby after hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall make their assessment and to determine and apply to the owner or the owners, the value of the real estate proposed to be taken, and the injury arising to them, and the damage, respectively in consequence of the taking thereof, which shall be awarded to such owners, respectively as damages, making due allowance therefor for any benefit which the owners may respectively derive from such improvement. In the estimate of damage to the land, the jurors shall include the value of the building or buildings, (if the property of the owner of such land,) as estimated by the assessors aforesaid, less the proceeds of the sale thereof, or

by the owner at the value to remove, in such case they shall only include the difference between such value, and the whole estimated value of such building or buildings.

Sec. 12. If the damage to any person be greater than the benefits received, or if the benefit be greater than the damage, in either case the jurors shall strike a balance, and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only, shall in any case, be collectable of them, or payable to them. Excess of damages or benefits.

Sec. 13. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment, or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons on interest, respectively, may be awarded to them by the jurors, less than benefits resulting to them respectively from the proposed improvement.

Sec. 14. Having ascertained the damages and expenses of the proposed improvment as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the preceedings upon the real estate by them deemed benefitted, in proportion to the benefit resulting thereto, from the proposed improvement, as nearly as may be, and shall describe the real estate upon which their assessments may be made. The award of the said jurors shall be signed by them, and returned together with the testimony taken, to the common council within the time limited in their order of appointment. Assessment:

Sec. 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent; or in case such owner or agent cannot be found or is unknown, deposited to his or their credit, in some safe place of deposit; and then and not before, such lands may be taken and appropriated for the purpose required: and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys, and public grounds heretofore opened or laid out. Damages awarded to the owner.

Sec. 16. When the whole of any lot or tract of land, or premises under lease, or other contracts shall be taken by virtue of this act, all the covenants, contracts, or engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall Liabilities on such premises discharged.

upon the confirmation of such report, respectively cease and be absolutely discharged.

Where only
part is taken.

Sec. 17. Where only part of a lot or tract of land, or other premises, so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same upon the confirmation of such report, shall be absolutely discharged, as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for, or in respect to the same shall be so proportioned so that the part thereof justly equitably payable for such residue, and no more, shall be paid or recoverable for, in respect to the same.

Payment of
damages

Sec. 18. The damages assessed shall be paid, or tendered, or deposited, as herein required, within six months from the confirmation of such assessment and report; and if not so paid, tendered, or deposited, all the proceedings in any such case shall be void. The benefits so assessed from the confirmation of said report, shall become and remain a lien upon the premises so determined by the jurors to be benefitted by the opening or widening of such street, alley or public ground.

When owner
is absent or an
infant.

Sec. 19. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant, or labor under legal disability, the judge of the circuit court for Rock county, or in his absence, the judge of any court of record in said county, may upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

New jurors
appointed.

Sec. 20. After the jurors shall have made their report as to the necessity of taking any lands under this act and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, and the jurors before entering upon the discharge of their duties, shall severally take an oath before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

Owner may
appeal from
award.

Sec. 21. Any person whose property is taken or against whom an assessment is made, may within ten days from the return of the jurors to the common council, appeal from said assessment of damages or benefits to the circuit

court for Rock county, where such appeal shall be tried by the court and jury, as in ordinary cases. The council shall have the same right of appeal.

Sec. 22. Whenever any public ground, street or alley, shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey thereof to be made and filed in the office of the city surveyor.

CHAPTER VII.

CITY IMPROVEMENTS.

SECTION 1. The aldermen of the several wards shall be street commissioners, in and for their respective wards, two of whom shall be a quorum; one of their number, or some person appointed by them, shall be clerk of the board of commissioners, who shall keep a record of all their acts and doings, and shall keep and preserve all contracts, receipts and papers of the board. The several boards of street commissioners shall make report, in detail to the common council, of their acts and doings whenever required; and at the expiration of each year, and before their time of office shall expire, shall submit all their acts and doings, books, records, papers, accounts, receipts and vouchers, to the common council for final settlement and adjustment.

Aldermen to be street commissioners.

Sec. 2. Any person deeming himself aggrieved by any act of the board of street commissioners, may, at any time appeal to the common council, who shall enquire into, examine and correct the act or order complained of, as shall seem just and proper; and the further action of the board, in this respect, shall be regulated accordingly.

Sec. 3. The said street commissioners shall have power to order and contract for the making, grading, repairing, and cleansing of streets, alleys, public grounds, reservoirs, gutters, and sewers, within their respective wards, and to direct and control the persons employed therein.

Powers.

Sec. 4. Whenever the street commissioners shall deem it necessary to construct or repair any side walk within their wards, they shall direct the owner or occupant of any lot adjoining such side walk to make or repair the same at his own proper cost and charge. If such work is not done, in the manner, and within the time prescribed, the

Sidewalks.

commissioners shall cause the same to be done at the expense of the lots adjoining such side walk.

Costs of re-
pairing streets
&c., charged
to owners of
adjoining lots.

Sec. 5. The costs and expenses of surveying streets, alleys, sidewalks, sewers, and of estimating work thereon and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be chargeable to, and payable out of the fund of the city; opening, grading, graveling, planking or paving streets and alleys to the centre thereof, shall be chargeable to and payable by the lots fronting on such street or alley.

Sewers.

Sewers may be ordered by the street commissioners, and built at the expense of the lots or parcels of land benefitted thereby, according to the the benefit which said improvement shall be to each of said lots or parcels of land respectively, said benefit to be estimated and ascertained by the said street commissioners and city surveyor; provided however, that no lot or parcel of land shall be assessed more for said improvement than the benefit received as found by said street commissioners and surveyor, and all expense for said improvement which is not properly taxable upon the lots or parcels of land benefitted thereby according to the provisions of this section, shall be chargeable to and payable out of the fund of the city, which shall be apportioned among said lots or parcels of land by the street commissioners, with the assistance of the city surveyor: *Provided however*, That when sewers are constructed through alleys, no lots shall be assessed therefor except those situated in the block or blocks through which such sewers may be constructed; and when sewers are constructed through streets, no lot shall be assessed therefor except those situated in the blocks fronting on such streets; and provided further, that in all cases where improvements or work of any kind are chargeable, by virtue of this section, upon lots benefitted, all such improvements across streets, alleys and public grounds shall be made and paid for out of the fund of the city in proportion to the width of the street, alley or public ground.

Proviso.

Estimate ex-
penses of such
works.

Sec. 6. Whenever the commissioners shall determine to make any public improvement, as authorized by sections 3, 4 and 5, of this chapter, they shall cause to be made an estimate of the whole expense thereof, and of the proportion to be assessed and charged to each lot, and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filled in, or to be excavated, in front of each lot; and such estimate shall be filed with the

city clerk for the inspection of the parties interested. The street commissioners shall give notice, by advertisement, for ten days, in one or more papers published in Janesville to the owners or occupants of the lots or parcels of land fronting on any street, alley, or side-walk, ordered to be graded, gravelled, planked or paved, requiring them to do the work mentioned in such notice, within a reasonable time therein to be specified; and if the said work shall not be done within such time, the said commissioners shall enter into contract for the doing thereof.

Sec. 7. Whenever the general interest of the city or ward requires deep cutting, or extraordinary filling in any street, and the owners of the lots or lands fronting on such deep cutting or filling, shall deem themselves aggrieved thereby, and shall represent to the commissioners in writing that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the street commissioners shall require the marshal to summon five free-holders, not owners of, nor interested in said lots or lands, who after being sworn faithfully and impartially to discharge the trusts reposed in them, shall examine the premises, and if, in their opinion, the cost of such work will exceed the benefit to be derived therefrom, it shall be their duty to make report thereof to said commissioners in writing, and they shall state therein, what portion of such work shall be chargeable to such lots or parcels of land, and how much, or what portion shall be chargeable to the city fund; and such proportion as shall be reported as properly chargeable to the lots or parcels aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder shall be paid out of the city fund; *Provided*, however, That the petition of no owner, feeling himself aggrieved by any act of the street commissioners, shall be received unless the same shall be presented within fifteen days after the first publication of the notice requiring the same to be done: and *Provided* further, That when it shall appear to the street commissioners that lands belonging to non-residents, infants, or persons laboring under any disability, who shall not be represented by any agent or guardian, are not benefited by the making of streets in front of such lots or lands, to the amount of the cost and expense thereof, it shall then be the duty of said commissioners to cause to be summoned, a jury, as herein provided.

Excavations.

Sec. 8. The street commissioners shall give notice to all owners or occupants of lots which may be deemed in-

Draining.

jurious to health by reason of stagnant water remaining thereon, in the official paper for ten days, to abate such nuisance by draining or filling such lot within a reasonable time, therein to be specified, the street commissioner shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

Certificate to contractor on completing the work.

Sec. 9. After the completion and performance of any contract entered into by the street commissioners for work chargeable to lots or lands by virtue of this act, they shall give to the contractor or contractors a certificate, under their hand, stating therein the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable which said certificate may be transferred by endorsement thereon, and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same shall be assessed upon the said lots or parcels of land respectively, and collected for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of this act; and if the notice to do the work required shall have been given, as herein provided, no informality or error in the proceedings shall vitiate such assessment; *Provided*, That in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for the payment thereof.

Owner may appeal within twenty days.

Sec. 10. In all cases where work is ordered to be done by the owner of any lot, under the provisions of this chapter, such owner may make his appeal, as herein before provided, at any time within twenty days after the publication of the notice required to be given, and until the expiration of such twenty days no such order shall be executed.

Overseer of highways, duties, &c.

Sec. 11. Street commissioners shall appoint an overseer of highways in each ward, who shall have the same powers, and be subject to the same duties as overseers of highways in the several towns. Such overseer of highways shall be under the supervision of the street commissioners, and shall report to them when required.

CHAPTER VIII.

ASSESSING, LEVYING AND COLLECTING TAXES.

Property how taxed.

Sec. 1. All property, real and personal, within the city, except such as may be exempt by the laws of this state from taxation, shall be subject to taxation for the sup-

port of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessors elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; *Provided*, however, That the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering, or adding to such rolls as they may from time to time deem advisable. Proviso.

The assessors elected by virtue of this act shall in all things pertaining to their office be governed by the same laws as assessors in towns, except that as soon as they have completed their assessment roll they shall return them to the city clerk.

Sec. 2. It shall be the duty of the clerk annually upon the receipt of the assessment rolls to lay the same before the city council for their consideration; and the said council shall be a board of equalization, and if they deem it necessary, may make such amendments, corrections and alterations, as will produce an equality of assessment agreeable to the value, or comparative value between the several wards; and when so equalized, the said council at any time thereafter, may proceed to levy upon the whole amount of such assessment, as corrected and equalized, such a per centage as a majority of all the board shall deem necessary for all corporation purposes for the year in which it is made; *Provided*, That such per centage shall not exceed ten mills on dollar valuation: but no county or state tax shall be levied by said council until the assessment shall have been equalized by the county board, the same as the assessment of towns, and after having been so equalized by the county board the same rules and regulations shall be observed in levying and collecting said county and state taxes, within said city, as are applicable to the same in towns. Assessment rolls.
Proviso.

Sec. 3. It shall be the duty of the Clerk to complete the tax lists of each ward, within such time as shall be prescribed by the city council, and deliver the same, together with the warrant of the said board, to the treasurer for collection, which warrant shall be substantially the same as is required by law of town clerks, and make a record of such delivery in a book where such list shall be recorded, which record shall be conclusive evidence of such delivery: and the taxes so assessed upon real estate Clerk to make a tax list.

shall be a lien, in preference to any other lien, on the estate so taxed until the same shall be paid, together with all legal charges thereon.

Notice of tax
list published.

Sec. 4. Upon the receipt of any tax list by the treasurer, it shall be his duty to give public notice in a newspaper published in said city, that such tax list (describing for what purpose said tax is, or taxes are levied) has been committed to him for collection, and that he will receive payment at his office for the term of ten days next ensuing such notice.

Cases of non-
payment.

Sec. 5. If the taxes are not paid within the said time, the treasurer may then proceed to collect the same by distress and sale of the goods and chattels of the persons charged with the payment thereof, giving at least six days notice of the time and place of such sale by posting up not less than three notices in as many public places in said city.

Delinquent
lists.

Sec. 6. In case no goods or chattels shall be found out of which to collect the taxes on any lot or lots, or other pieces of land, or property, it shall then be the duty of said treasurer to make out a list of all the property and taxes remaining unpaid, on the third Monday of January next succeeding the date of his tax list and warrant; and the list so made, with his affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had not been able to find goods or chattels out of which to collect the said taxes, shall be called the delinquent list, and it shall be his duty to return the said delinquent list to the treasurer of the county of Rock, on or before the fourth Monday of said January, and he shall, at the same time, pay over to said county treasurer all monies then collected by him, belonging to the county of Rock, and also all monies belonging to the state of Wisconsin, in the same manner as is required by law of the treasurers of towns.

Persons re-
moving out of
city.

Sec. 7. In case any person against whom personal property shall be assessed, shall have removed out of the city of Janesville, after such assessment was made, and before such tax ought by this act to have been collected, it shall be lawful for said treasurer to levy and collect such tax by distress and sale of the goods and chattels of the person assessed, in any town within the county of Rock, to which said goods or property may have been removed, or in which he may reside.

Sec. 8. The county treasurer shall have the same powers and duties, and be subject to the same liabilities in relation to said delinquent tax list, as he shall have, or be

subject to, in relation to the delinquent tax list of the several towns. And the lands returned in said delinquent tax list shall be sold in the same manner, and be subject to the same redemption as the lands returned in the delinquent tax list of the several towns; and the title of the purchaser shall be equally valid, and confirmed in the same manner.

County Treasurer's powers and duties.

Sec. 9. No person shall be permitted to institute any proceeding to set aside any assessment, or special tax upon any lot or tract of land, or to set aside any deed executed in consequence of the nonpayment of taxes and of the sale of the premises therefor, unless such person shall first pay, or tender to the proper party, or deposit for his use, with the treasurer, the amount of all state, county and city taxes that may remain unpaid upon such lot or tract, together with the interest and charges thereto.

Condition of setting aside assessment.

COUNTY AND STATE TAXES.

Sec. 10. Before the annual meeting of the board of supervisors of the county of Rock, in the fall, it shall be the duty of the city clerk to cause a copy of the assessment roll of said city for such year, to be transmitted to the clerk of the board of supervisors, who shall lay the same before the board at their meeting.

Copy of assessment roll.

Sec. 11. The board of supervisors shall have the right of equalizing the assessment of the towns in said county, and of said city, as provided by law; but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Board to equalize assessment.

Sec. 12. The said board of supervisors may levy a tax, as now provided by law, but shall therein provide without regard to the division of the city into wards, and shall cause the amount of taxes to be levied, and the purposes to be certified to the city clerk, in the manner provided by the general laws of this State; and the said city clerk shall make out a tax list for that purpose, separate from the tax list for city purposes, and shall deliver the same to the city treasurer, as provided by law.

Board may levy a tax.

Sec. 13. The treasurer of the city in giving bonds, collecting such tax, and making his return to the county treasurer, and in all other respects, shall conform to the general laws of the state.

Treasurer of city.

CHAPTER IX.

FIRE DEPARTMENT.

Powers of
common coun-
cil.

Sec. 1. The common council, for the purpose of guarding against the calamities of fire, shall have power and it shall be their duty to prescribe the limits within which wooden buildings, buildings of other materials that shall not be considered fire proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damage.

Further powers.

Sec. 2. The common council shall have power to prevent the damages, construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, ovens, boilers, and apparatus used in or about any building, and to cause the same to be removed, or placed in a safe and secure condition when considered dangerous;

To prevent the deposite of ashes in unsafe places;

To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire;

To regulate and prevent the carrying on of any manufactories, dangerous in causing or promoting fires.

To regulate and prevent the use of fire works and fire-arms;

To compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same;

To authorize the mayor, aldermen, firewardens, and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

May purchase
fire engines,
&c.

Sec. 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder, and hose companies, and to provide for the due and proper support and regulation of the same; and to order such

companies to be disbanded and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect its own officers, and form its own by-laws, not inconsistent with the laws of this State, or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed shall be exempt from highway work and poll tax, from serving on juries and from military duty, during the continuance of such membership; and any person having served for the term of seven years, in either of said companies, shall be forever thereafter exempt from serving on juries, from poll tax and from military duty, except in case of insurrection or invasion.

Sec. 4. There shall be a meeting of the members of Fire company meetings. said companies on the third Monday of March in each year, at such place as may be designated by the mayor, when they may nominate and recommend to the common council for appointment, one chief engineer, and their assistant engineers, and the common council shall thereupon confirm such nominations; and the persons so appointed shall perform such duties as the common council shall prescribe.

Sec. 5. At the same time the members of said Fire Wardens, company shall nominate, and the common council shall appoint the same, four fire wardens, one of whom shall reside in each ward, and who shall perform such duties as the common council shall prescribe; and they may, at any time, enter into or upon any house, store house, or other building or enclosure, for the purpose of inspecting the same, and with a view to guard against fire.

Sec. 6. One half the net proceeds of all fines or penalties recovered for the breach of any ordinance, by-law or Fund of fire department. regulation, made in pursuance of this chapter, shall be paid to the fire department.

Sec. 7. Whenever any person shall refuse to obey any Persons refusing to obey orders at a fire. lawful order of any engineer, fire warden, mayor or aldermen, at any fire, it shall be lawful for the officer giving such order, to arrest, or to direct orally, the marshal, constable, watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest, or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; any person who shall refuse to

obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

Sack company.

Sec. 8. The common council shall have power to organize a sack company, which shall be known as sack company number one, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer.

Act as special police.

The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Janesville, and are hereby vested with all the power and authority which now, or may be hereafter vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires, they shall take charge of all property which may be exposed or endangered, and shall so far as it may be in their power, preserve the same from injury or destruction.— Said company may from time to time adopt such by-laws and regulations as they may deem necessary, not inconsistent with this act, and the law of this state. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity.— They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully discharge the duties of their said office, and when any member of said company shall cease to be a member thereof, by resignation, expulsion, or otherwise, notice thereof shall be given to the city clerk, who shall preserve a record of all the members of said company.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

Work let to lowest bidder.

Sec. 1. All work for the city, or either of the wards, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting such contract.

Sec. 2. No money shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Sec. 3. No penalty of judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of all the aldermen.

Sec. 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt, for such penalty or forfeiture, stating the clause of this act, or by-law, or ordinance, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. Actions bro't. in corporate name of city.

Sec. 5. In all prosecutions for any violation of the provisions of this act, or any by-law or ordinance, the first process shall be a summos, unless oath be made for a warrant, as in other cases. Process.

Sec. 6. Execution shall issue forthwith, on the rendition of the judgment, unless the same be stayed or appealed, according to the laws of this State. The execution shall require the defendant in any such action, is case no goods or chattels, lands or tenements, whereof the judgment can be collected, be found, to be imprisoned in the jail of Rock county for a term not exceeding six months, in the discretion of the justice or judges rendering judgment, unless the same be sooner paid. Execution.

Sec. 7. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Sec. 8. If any election by the people or common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending, or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the common council; and if any of the duties enjoined by this act or the ordinances or by-laws of the city to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which the said acts may be done or performed. When elections are not held at specified time.

Sec. 9. The general laws for the preservation of bridges and trees, and the punishment by such laws provided

Penalties for
injuring bridg-
es, trees, &c.

for the wilful and malicious injuries done to the same, are hereby extended to and shall include all trees belonging to said corporation, and all bridges now built and all that may be hereafter built in said city, and shall apply to any wilful or malicious damage which may be done to the same by any person or persons whatever, and the common council may from time to time make such by-laws or ordinances as they may deem necessary for the preservation of such trees and bridges, and enforce the same by adequate penalties.

Suit against
city.

Sec. 10. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process, by the proper officer, with the mayor; and it shall be the duty of the mayor, forthwith, to inform the common council thereof, or take such other proceedings as by the ordinances or resolutions of said council may be in such case provided.

Property ex-
empt from
taxation.

Sec. 11. The following property, at any time hereafter belonging to said city or either of the wards thereof, shall be exempt from levy and sale under and by virtue of any execution: engine houses, hook and ladder houses, together with the grounds and lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose or any other fire apparatus used by any company created or authorized by the Common Council of said city, school and market houses, the furniture thereof, and furniture of Common Council and office rooms: *Provided*, that nothing herein contained shall exempt any of the aforesaid real and personal property from levy and sale by virtue of any exemption issued on judgments rendered in favor of any person or persons who may have furnished or sold any such fire apparatus to or on the credit of said city. Nor shall any real or personal property of any inhabitant of said city, or of any individual or corporation, be levied on or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Proviso.

May hold real
estate, &c.

Sec. 12. The said city may lease, purchase and hold real or personal estate, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Not exempt
from special
taxes.

Sec. 13. Real estate exempt from taxation by the laws of the State, shall be subject to special taxes, as other real estate under this act.

Laws contra-
vening this
act.

Sec. 14. No general law of this State contravening the provisions of this act shall be considered as repealing

amending, or modifying the same, unless such purpose be expressly set forth in such law.

Sec. 15. The said city of Janesville be and is hereby made the lawful owner of all property donated to the public by the original recorded town plat of the village of Janesville, except the block therein, bounded northerly by Court street, easterly by Division street, southerly by South First street, and westerly by Bluff street, or by the recorded plats of all additions since made, or which shall hereafter be made thereto. Limits of city.

Sec. 16. From and after the first Tuesday of April eighteen hundred and fifty three, the connection between the said city of Janesville and the towns of Janesville, Harmony, La Prairie and Rock, for town purposes, shall be dissolved; and the duties now or hereafter imposed on the supervisors and other officers of towns, so far as they relate to the city of Janesville, shall be imposed on the officers of said city of Janesville, and so much of the towns of Janesville, Harmony, La Prairie and Rock as is not included in the limits of the city of Janesville, shall continue to constitute the towns of Janesville, Harmony, La Prairie and Rock for the purposes of town and county government; and they shall hold their next town meetings at such places within the original towns of Janesville, Harmony, La Prairie and Rock as their present board of supervisors shall respectively appoint, and thereafter the place of meetings shall be decided by vote of their respective town meetings. Connection between towns and city dissolved.

Sec. 17. The town business of the present towns of Janesville, Harmony, La Prairie and Rock, up to the time of the taking effect of this act, shall be selected by said towns respectively, and the amount of funds remaining, or debts due, as the case may be, shall be proportioned between the aforesaid towns and said city, according to the amount of taxable property belonging to each as taken from the last assessment roll. Town business

Sec. 18. The City Council shall have full power to settle with the town treasurers of the towns of Janesville, Harmony, La Prairie and Rock, for any moneys they may have in their hands belonging of right to said city, and the town treasurer of the towns aforesaid are hereby required to pay any money in their hands belonging to said city, to the treasurer thereof. City council may settle with town treasurer.

Sec. 19. This act shall take effect and be in force from and after its passage.

Approved March 19, 1853,

Chap. 94.

An Act to incorporate the City of Sheboygan.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

CHAPTER I.

CITY AND WARD BOUNDARIES.

Declared a
municipal cor-
poration.

SECTION 1. All that district of Country in the county of Sheboygan, and State of Wisconsin, contained within the limits and boundaries hereinafter described, shall be a City, by the name of "Sheboygan," and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a Municipal Corporation by the name of the "city of Sheboygan" and shall have the general powers possessed by Municipal Corporations at common law, and in addition theeto, shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and of being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

Boundaries de-
scribed.

Sec. 2. The territory included within the following boundaries and limits shall constitute the city of Sheboygan, to wit:—Beginning on the shore of Lake Michigan where it is intersected by the section line dividing sections eleven and fourteen of township fifteen, North, of range twenty three, East; running thence West along said line to the North-West corner of section fifteen in said township and range; thence South along the section line between sections fifteen and sixteen, twenty-one and twenty-two, twenty-seven and twenty-eight, to the south west corner of section twenty-seven in said township and range; thence East on the Section line between sections twenty-seven and thirty-four, and sections twenty-six and thirty-five, to the shore of Lake Michigan; thence on a line parallel with the last mentioned section line, East, into Lake Michigan one mile; thence North, to a point in Lake Michigan, directly East of the place of beginning; thence West to the place of beginning.

Wards.

Sec. 3. The said City shall be divided into two wards as follows: All that part of said district which lies North of the following line, viz: beginning on the shore of Lake Michigan, at the point where the East and West quarter line of section twenty-three in township fifteen, North of

range twenty-three, East, intersects said Lake, running thence West on said quarter line to the centre of sixth street; thence South to a point opposite to the centre of the alley running through Block three hundred and seven, thence West on the line of said alley to the centre of Water Street; thence following the centre of water street, around the North bend of the River to a point opposite the centre of the alley running through block one hundred and seventeen, thence West along the line of said alley to the West line of block one hundred and sixteen, thence North to the East and West quarter section line of section twenty-two, in said township and range; thence West on said quarter line to the West line of the city: shall be the first ward, and all that part of said district which lies South of said line shall be the second ward.

CHAPTER II.

ELECTIONS.

SECTION 1. The annual election for ward and City Officers shall be held on the first Tuesday of April of each year, at such place in each ward as the Common Council shall designate, and the polls shall be kept open from nine o'clock in the forenoon till five o'clock in the afternoon, and ten days previous notice shall be given by the Common Council of the time and place of holding such elections and the city and ward officers to be elected. Annual election.

Sec. 2. The elective officers of said city shall be a Mayor, Treasurer, Marshal, Superintendent of Schools, and Police Justice for the City, and three Aldermen, one Assessor, one Constable, and one Justice of the Peace for each ward. All other officers necessary for the proper management of the affairs of said city shall be appointed by the Common Council. Elective officers.

All elective officers except Justices of the Peace shall, unless otherwise provided, hold their respective offices for one year and until their successors are elected and qualified: *Provided*, however, the Common Council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. Justices of the Peace shall hold their offices for two years and until their successors are elected and qualified. Term of office.
Proviso.

Vacancies. Sec. 3. Whenever a vacancy shall occur in any office in said City, such vacancy shall be filled by the Common Council. The persons elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term of such office, and with the same rights and subject to the same duties and liabilities as the person whose office he may be elected or appointed to fill.

Elections by ballot. Sec. 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. Where two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the Common Council, at such time and in such manner as they shall direct.

Qualifications of voters. Sec. 5. All persons entitled to vote for county or State officers, and who shall have resided in the city for six months preceding the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created.

Manner of conducting election. Sec. 6. The elections in said city, shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections, and shall take the usual oath or affirmation as prescribed by the general laws of this State to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the laws of this State regarding elections.

Illegal voting. Sec. 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving the vote of any such person shall require him to take the following oath:

You do solemnly swear [or affirm, as the case may be,] that you are twenty-one years of age; that you are a citizen of the United States, (or have declared your intention to become a citizen conformibly to the laws of the United States on the subject of naturalization,) that you have resided in this city six months, and within this ward ten days next preceding this election, and that you have not voted at this election, and that you have made no bet or

wager, or become directly or indirectly interested in any bet or wager depending on the result of this election.

And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall vote in any ward in which he does not reside, or shall vote more than once at any one election, he shall be liable to indictment, as for a misdemeanor, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars.

It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes, and if any inspector shall knowingly and corruptly receive the vote of any person not duly authorized to vote, or shall make out false returns of an election, or any clerk shall not mark down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment therefor, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments, and all other indictments mentioned in this Act shall be found and tried in the Circuit Court for the county of Sheboygan.

List of votes
sworn in.

Sec. 8. When any election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each person, for each and every office, and shall deliver or cause to be delivered, such return to the clerk of the common council, who shall forthwith give notice to each of the aldermen elected, of their respective elections.

Inspectors to
make returns.

Within one week after any election, the common council shall meet and canvass said returns, and declare the result as it appears from the same.

Sec. 9. Any officer removing from the city, or any ward officer removing from the ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter

Officers refusing to serve.

upon the discharge of the duties of his office, shall be deemed to have vacated the same, and the common council shall proceed, at the next meeting after such vacancy to fill the same, as herein prescribed, and all such vacancies shall be filled by qualified electors residing in that ward where the vacancy may occur.

Aldermen. Sec. 10. There shall be elected at the first election under this act, and at every annual election thereafter, three alderman for each ward, one of whom shall be designated as "Chairman," opposite his name on the votes, *and each of the aldermen chosen as Chairman, in said wards shall be members of the County Board of Supervisors, with all the rights, duties, and liabilities of the Chairman of the Board of Supervisors of the several towns.*

Substitute for chairman. Sec. 11. By consent of a majority of the Alderman of any ward, the Alderman chosen Chairman may substitute either of the other Alderman in said ward in his place, in said Board of Supervisors for such time as may be named by him in writing, with such consent endorsed thereon.

Temporary officers. Sec. 12. The President, Trustees and all other officers of the village of Sheboygan now in office shall remain in their respective offices and perform the respective duties thereof until the Mayor and City Council are elected under this act; the Clerk and Treasurer of the village of Sheboygan shall transfer all the Books, papers and money's, which may be in their hands to the Clerk and Treasurer who may be elected under this act, and all laws Ordinances and resolutions passed and adopted by the Trustees of said village shall remain in full force until altered or repealed by the City Council established under this act.

First election. Sec. 13. The President of the village of Sheboygan shall previous to the first election under this act appoint three suitable persons in each of said wards, to be judges of said first election, and one suitable person to be Clerk thereof in each of said wards, and shall cause notice of such appointments to be given to such judges and Clerks, and shall publish a notice in one or more of the newspapers in said village at least ten days before the said election, designating the time and places for holding said election; said election shall be held at the same time of day, and conducted in the same manner as the annual election provided for in this act, and it shall be the duty of the said judges within three days thereafter to make returns thereof to the Clerk of said village, and the said Clerk shall lay the same before the Trustees of said village at a meeting

to be held by them within one week after such election and the said Trustees shall determine who shall have been properly elected officers of said city and wards, and shall cause such determination to be entered in their records, and the Clerk of said village shall notify each of the said officers of his election to his respective office.

Sec. 14. The term of office, of every officer elected under this act shall commence on the second Tuesday of April, of the year for which he was elected; and shall ^{Term of office.} unless otherwise herein provided, continue for one year and until his successors is elected and qualified.

Sec. 15. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the Common Council may order a new election to be held, on giving ten days public notice in one or more newspapers published in said city. ^{New elections may be held.}

Sec. 16. The first election of officers under the provisions of this act shall be held on the first Tuesday of April A. D. 1853.

CHAPTER III

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office, under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same duly certified by the officer taking the same, with the Clerk of the city; and the Treasurer, Clerk, Marshal and Police Justice and such other officers as the Common Council may direct, shall, severally, before they enter upon the duties of their respective offices execute to the city of Sheboygan a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities and said bonds shall contain such penal sum, and such conditions as the Common Council shall direct; and said Council may from time to time require new or additional bond, and remove from office any officer refusing or neglecting to give the same: The Justices of the Peace elected under this act shall have the same jurisdiction, and perform all the duties of Justices of the Peace as provided by the general laws of this State except that their official bonds shall be approved by a majority of the Alderman of the ward for which they are chosen. ^{Duties of officers on entering upon office.}

**Duties of
Mayor.**

Sec. 2. The Mayor shall when present, preside over the meetings of the Common Council, and take care that the laws of the State and the Ordinances of the city are duly observed and enforced, and that all other Executive Officers of the city discharge their respective duties; he shall from time to time, give the Common Council such information and recommend such measures as he may deem advantageous to the city. The Mayor shall be the Chief Executive Officer, and head of the Police of the city; and in case of a riot or other disturbance, he may appoint as many special or temporary Constables as he may deem necessary. The Mayor shall have a vote in the Common Council only in case of a tie.

**President of
council.**

Sec. 3 At the first meeting of the Common Council, each year, they shall proceed to elect, by ballot, one of their number President, and in the absence of the Mayor, the said President shall preside over the meetings of the Common Council; and during the absence of the Mayor from the city, or his inability, from any reason, to discharge the duties of his office, the said President shall exercise all the powers and discharge all the duties of the Mayor. In case the Mayor and President shall be absent at any meeting of the Common Council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of the mayor. The president, or temporary presiding officer, while presiding over the board, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them, shall have the same force and validity as if performed by the mayor.

**Duties of the
clerk.**

Sec. 4. The clerk shall be elected by ballot by the Common Council; he shall keep the Corporation seal and all the papers and records of the city; and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend: and copies of all papers filed in his office, and transcripts from the records of the common council certified by him, under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced; he shall draw and counter-sign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. The Clerk shall have power and authority to administer oaths or affirmations.

Sec. 5. The treasurer shall receive all moneys belonging to the city and keep an accurate and detailed account thereof

in such manner as the common council shall from time to time direct. The treasurer shall exhibit to the common council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of all receipts and expenditures, after the date of the last annual report, and also of the state of the treasury, which amount shall be filed with the clerk.

The treasurer

Sec. 6. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and the collection of licence moneys and fines; he shall possess the powers of constable at common law, or by the laws of this state, and receive like fees, but shall not serve civil process, except when the city is a party.

Marshal.

Sec. 7. The superintendent of schools shall perform all the duties, and shall have the same rights and powers within said city, and be subject to the same liabilities as Superintendents of schools in towns, except that the bond required of said Superintendent shall be approved by the Common Council and shall be filed with the City Clerk, and except as otherwise provided in this act.

Superintendent of Schools,

Sec. 8. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed; and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them; such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Powers of
Common
Council.

Sec. 9. The common council at their first annual meeting in each year, or as soon thereafter as may be, shall designate not more than two newspaper printed in said city, one in English and one in German, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council, to be published in a newspaper.

Laws, ordinances to be published.

Sec. 10. The city printer, or printers immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit or the affidavit of his or their foreman, of the length of time the same has been published, and such

City Printer.

affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

Officers to deliver up books to successors. Sec. 11. If any person having been an officer in said city shall not within ten days after notification and request deliver to his successor in office, all property books, papers and effects, of every description, in his possession belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

No alderman shall be a party to a contract. Sec. 12. No alderman shall be a party to, or interested in, any job or contract, with the city or any of the wards, and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract, and the alderman interested in the same.

Officers of the peace. Sec. 13. The mayor or acting mayor, sheriff of Sheboygan County, and each and every alderman, justice of the peace marshal, constable and watchman, shall be officers of the peace, and may command the peace and suppress in a summary manner, all rioting and disorderly behavior within the limits of said city; and for such purposes may command the assistance of all by-standers, and if need be, of all citizens and military companies; and if any person, by-stander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress rioters or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

Powers of police justice. Sec. 14. The police justice shall possess all the authority, powers and rights of a justice of the Peace, except that he shall in no case entertain any civil proceeding, to which the city is not a party, and shall have sole conclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognisable before a justice of the peace; but warrants returnable before the police, justice may be issued in criminal cases by any other justice in the city; but no fee shall be received therefor by such justice. The police justice shall have exclusive jurisdiction in all cases in which

the city is a party, and he shall have the same power and authority in case of contempt as a court of record; *Pro- Provide.*
~~vided,~~ That nothing herein contained shall be deemed to divest the Circuit judges of their authority as conservators of the peace nor to effect in any manner the jurisdiction or power of the County or Circuit Court of Sheboygan County. In case of the absence, sickness, or other inability of the police, justice, or for any sufficient reason, the mayor by warrant, may authorize any other justice of the peace within said city, to perform the duties of police justice, and it shall thereupon be the duty of the mayor to inform the attorney and marshall of such substitution, and make report thereof to the Common Council, and they may confirm or set aside such appointment, or appoint some other justice of the peace, and the justice so appointed shall, for the time being possess all the authority, powers, and rights of the police, justice.

Sec. 15. The police justice shall quarterly report to the Common Council a list of all, the proceedings instituted before him, in behalf of the city, and the disposition thereof, and shall at the same time, account and pay over the amount of all penalties which may by law accrue to the city. The fees of said police justice shall be the same as are by law allowed to justices of the peace for similar services. *Shall report quarterly.*

Sec. 16. There may be elected by the common council *City Surveyor.* a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for services performed by him. All surveys, profiles, maps, or estimates made by him for the city, or either of its wards, shall be the property of the city, and shall be carefully preserved in the office of the city clerk, open to the inspection of parties interested.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be "The mayor and common council of the city of Sheboygan, do ordain, &c." The common council shall *Common Council when to meet.*

meet at such time and place as they, by resolution shall direct, but they shall hold stated meetings on the first Monday of each Month, and the mayor may call special meetings, by notice to each of the members, to be served, personally, or left at their usual place of residence. A majority of the aldermen shall constitute a quorum.

Shall judge of
election of
members.

Sec. 2. The common council shall determine the rules of its proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members.

Powers of
common coun-
cil.

Sec. 3. The Common Council shall have the management and control of the finances and of all the property of the city; and shall, likewise, in addition to the powers herein vested in them, have full power and authority to make enact, ordain, establish, publish, enforce, alter, modify, amend, and repeal all such ordinances, rules and by-laws, for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *Provided*, That they be not repugnant to the constitution and laws of the United States or of this State; and for such purposes shall have authority by ordinances, resolutions or by-laws.

1. To license and regulate the exhibitions of common showmen and shows of any kind, or the exhibitions of caravans, circuses or theatrical performances; billiard tables, bowling saloons; and to provide for the abatement and removal of all nuisances, under the ordinances or at common law; and to grant licences, and regulate groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous or fermented liquors; *Provided*, that the license for so dealing in or vending such liquors shall be thirty dollars or less a year, and that no license shall be granted for a less term than one year.

2. To restrain and prohibit all descriptions of gaming, and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming, and all horse racing in said city, and to restrain any person from vending, giving away or dealing in spirituous liquors, fermented or vinous liquors, unless duly licensed by the Common Council.

3. To prevent any riots, noise disturbance or disorderly assemblages, suppress and restrain disorderly houses, or groceries, and houses of ill fame, and to authorize the destruction of all instruments used for the purposes of gaming.

4. To compel the owner or the occupant of any grocery cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or any unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

5. To direct the location and management of slaughter houses and markets, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder, or other combustible materials.

6. To prevent the encumbering of the streets, sidewalks, lanes or alleys, with carriages, carts, wagons, sleighs, boxes, lumber, firewood or any other materials or substances whatever.

7. To prevent immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

8. To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same.

9. To prevent the running at large of dogs, and to authorize the destruction thereof in a summary manner, when at large contrary to any ordinance.

10. To prevent any person from bringing, depositing, or having within said city, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unwholesome or unsound beef, pork, fish, hides, or skins of any kind; and in default of such person, to authorize the removal thereof, by some competent officers, at the expense of such person or persons.

11. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants; to erect lamps, and regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; and to provide for lighting the streets,

public grounds and public buildings, with gas or otherwise.

12. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds from taxation.

13. To regulate the assize and weight of Bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

14. To prevent all persons riding or driving any ox, mule, cattle or other animal on the side walks in said city, or in any way doing any damage to such side walks.

15. To prevent the shooting of fire arms, or crackers, and to prevent the exhibition of any fire-works in any place which may be considered by the council dangerous to the city, or any property therein, or annoying to any citizen thereof.

16. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

17. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses or other establishments, and to regulate the police of the city.

18. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

19. To license and regulate butcher's stalls, shops and stands for the sale of game, poultry, butcher's meat, butter, fish, and other provisions.

20. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same.

21. To compel the owners or occupants of buildings or grounds to remove snow, dirt, or rubbish from the side walk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant.

22. To regulate the construction of piers or wharves extending into Lake Michigan and on the Sheboygan river, within the limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon.

23. To regulate, control and prevent the landing of persons from boats or vessels, whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

24. To regulate the time, plan, and manner, of holding public auctions or vendues.

25. To appoint watchmen and prescribe their duties.

26. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

SEC. 4. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in the official papers of the city, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk, in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by laws shall be recorded, the publication thereof respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times such affidavit or records shall be deemed and taken as sufficient evidence of the facts contained therein. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council.

Ordinances
how passed,
and when to
take effect.

SEC. 5. The powers conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the Courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept, at any one time, gambling houses, houses of ill fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold, without the license therefor required, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

What are
deemed nuisances.

SEC. 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, school superinten-

Accounts how
audited.

dent, street commissioners of each ward, Marshal, Constables, Police Justice, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of the said city are elected or appointed shall have expired. And the common council shall require each and every such officer, and agent, to exhibit his books, accounts and vouchers, for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the said council in the discharge of their said duties, in pursuance of this section, or shall refuse or neglect to render his accounts, or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall order suits and proceedings at law against any officer and agent of said city, who may be found delinquent or defaulting in his accounts or in the discharge of his official duties; and shall make a full record of all such settlements and adjustments.

CHAPTER V.

FINANCES AND TAXATION.

How money
shall be drawn
from treasury.

Sec. 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer, shall specify the purpose for which they are drawn, and shall be payable out of such funds as may be ordered by the council, in the hands of the Treasurer, and all such orders shall be received in payment of any tax raised for the fund upon which they may be drawn. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement.

Orders by
whom paid.

Sec. 2. All orders drawn by the President and Clerk of the village of Sheboygan, authorized by the trustees of said village, shall be paid by said city Treasurer in the same manner as city orders are paid by him, and all debts due or to grow due by or to said village shall be paid by and to said city, and the act entitled "An Act to authorize the borrowing of money to construct a harbor at the

mouth of Sheboygan river," approved January 31, 1852, and all acts of the Legislature amendatory thereto, shall be deemed to apply to said city, and all the duties required of the village officers in said act shall be performed by the corresponding city officers under this act.

Sec. 3 The said council shall annually levy a tax upon all the property in said city subject to taxation, sufficient to pay the interest upon the Harbor Bonds issued by said village, and a further tax of not to exceed one per cent to defray the current expenses of the city. Taxation!

Sec. 4. The common council may annually levy upon the property liable to taxation in each ward, a tax not exceeding a half of one per cent per annum, to pay the indebtedness or defray the current expenses of such ward.

Sec. 5. The aldermen of any ward shall certify to the council any debts contracted by such ward for the current year, and thereupon the said council shall, (if such debt be a proper claim against such ward,) allow such debt, and direct the mayor and clerk to issue to the proper person orders of the city to the amount of the debt allowed; *Provided*, The said council shall in no case allow any such debt if such allowance will cause the whole amount of orders so issued to meet the indebtedness of such ward to exceed the amount of tax which may be levied and collected under the provisions of this chapter, to meet the expenses of the current year, assuming as a basis the tax list of such year, if then made out, and if not, then the tax list of the preceding year. Debts shall be certified to by an alderman.

Sec. 6. No alderman of any ward shall contract debts against such ward, in any one year to an amount greater than the amount of tax which under the provisions of this chapter may be levied in such ward to meet the current expenses of the year; and if any alderman shall so contract debts to a greater amount than such tax, neither such ward nor the city shall be liable for the same, but the alderman so contracting shall be liable therefor, as if the debt had originally been contracted by such alderman personally; *Provided*, That no alderman shall be held liable as aforesaid, without proof of his assent as alderman to the contracting of the liability or debt by the ward. When alderman becomes liable for debts.

Sec. 7. All of sections fourteen and fifteen; the west half of sections twenty-two and twenty-seven, the south-east quarter of section twenty-seven, and the south half of section twenty-six, included within said city limits and not laid out into city lots or for city purposes, shall be ex- Property exempt from taxation.

empt from all taxes and assessments authorized by this act, except for State, county, school, and poor purposes, but the common council may levy upon the lands so exempt an annual tax not to exceed eight mills on the dollar valuation, one half of which shall be applied to general city purposes and the remainder to the ward in which the lands may lie.

CHAPTER VI.

OPENING OF STREETS, ALLEYS, ETC.

Public
grounds—how
laid out.

Sec. 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows:—Whenever ten or more freeholders residing in any ward, shall, by petition, represent to the common council, that it is necessary to take certain lands within the ward where such petitioners may reside, for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition the common council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if any there be, or if any portion of such lands shall not be in the actual occupation of any person, then the common council shall cause such notice, describing as near as may be, the premises proposed to be taken, to be published in the official paper for four weeks at least once in each week.

Notice given.

Sec. 2. Such notice shall state, that on a certain day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to one of the Justices of the Peace of said City, naming such Justice, for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary or for the interest of the City, to take the same for the purpose specified in said petition.

Sec. 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said Justice of the Peace shall

thereupon appoint twelve reputable freeholders, residents of the city, but not residents of the ward in which such premises may lie, nor interested in the result of such application. The said Justice shall thereupon issue his precept, directed to said jurors, requiring them, within thirty days, to view said premises, to be specified in said precept, and to make return under their hands, to the common council, whether, in their judgment, it is necessary or for the interest of said city, to take said premises for the purpose specified in such application. Freeholders to view premises.

Sec. 4. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, said justice shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Sec. 5. The said jurors, at such time as they may agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing, by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Sec. 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary or for the interest of the City, to take the premises in question for the public use, which said report, testimony and precept shall be returned to the common council within the time limited therein.

Sec. 7. Should the jurors report that it is necessary or for the interest of the City, to take said premises, the common council shall enter an order among their proceedings, confirming said report, and directing the same jurors within one month thereafter, or such further time as may be deemed proper, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefited by such taking, and to assess and return within the time limited, such damages and benefits to the common council. Action upon report of jury.

Sec. 8. If there shall be any building standing, in whole or in part, upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to Buildings on premises.

the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

Notice to
owner.

Sec. 9. At least ten days personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non resident, notice to all persons interested shall be given by publication in the official paper, three successive weeks; such notice shall specify the building and the award of the jurors.

It shall also require the parties interested to appear, by a day to be therein named, or give notice of their election to the common council, either to accept the award of the jurors, and allow such building to be taken, with the land appropriated, or of their intention to remove such building at the value set thereon by the jurors, to remove.—If the owner shall agree to remove such building, he shall have such reasonable time for this purpose as the common council may allow.

Sec. 10. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed the common council shall have power to direct the sale of such building at public auction for cash, giving ten days public notice of such sale.

The proceeds shall be paid to the owner or deposited to his use.

Proceedings
of the jurors.

Sec. 11. The said jurors within the time limited, shall view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefited thereby after hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or the owners, the value of the real estate so proposed to be taken, and the injury arising to them, respectively in consequence of the taking thereof, which shall be awarded to such owners, respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the land, the jurors shall include the value of the building or buildings, (if the property of the owner of such land,) as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in such case they shall only include the difference between such value, and

the whole estimated value of such building or buildings.

Sec. 12. If the damage to any person be greater than the benefits received, or if the benefit be greater than the damages, in either case the jurors shall strike a balance, and carry the difference forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only, shall in any case, be collectable of them, or payable to them.

Excess of
damages or
benefits.

Sec. 13. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment, or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests, respectively, may be awarded to them by the jurors, less the benefits resulting to them respectively from the proposed improvement.

When build-
ings belong to
different per-
sons.

Sec. 14. Having ascertained the damages and expenses of the proposed improvement as aforesaid, the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate by them deemed benefitted, in proportion to the benefits resulting thereto, from the proposed improvement, as nearly as may be, and shall describe the real estate upon which their assessment may be made. The award of the said jurors shall be signed by them, and returned together with the testimony taken, to the common council within the time limited in their order of appointment.

Damages to
be assessed.

Sec. 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent; or in case the said owner or agent cannot be found or is unknown, deposited to his or their credit, in some safe place of deposit; and then and not before, such lands may be taken and appropriated for the purpose required: and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys, and public grounds heretofore opened or laid out.

Land shall not
be taken till
damages are
paid.

Sec. 16. Where the whole of any lot or tract of land, or other premises under lease, or other contract shall be taken by virtue of this act, all the covenants, contracts, or engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, shall upon the confirmation of such report, respectively cease and be absolutely discharged.

Sec. 17. When only part of a lot or tract of land, or other premises, so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same upon the confirmation of such report, shall be absolutely discharged, as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for, or in respect to the same shall be so proportioned so that the part thereof justly equitably payable for such residue, thereof, and no more, shall be paid or recoverable for, in respect to the same.

Sec. 18. The damages assessed shall be paid, or tendered, or deposited, as herein required, within six months from the confirmation of such assessment and report; and if not so paid, tendered, or deposited, all the proceedings in any such case shall be void. The benefits so assessed from the confirmation of said report, shall become and remain a lien upon the premises so determined by the jurors to be benefitted by the opening or widening of such street, alley or public ground.

When owner
shall be an
infant.

Sec. 19. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant, or labor under legal disability, the judge of Probate of the county of Sheboygan, or the Judge of any court of record in said county, may upon the application of the common council, or such party or his next friend, appoint a guardian for such party, and all notices required by this act, to be served upon any person so affected, shall be served upon such guardian.

New jurors
appointed.

Sec. 20. After the jurors shall have made their report as to the necessity or advantage of taking any lands under this act and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, and the said jurors before entering upon the discharge of their duties, shall severally take an oath before some competent officers, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trusts reposed in them.

Owner may
appeal from
award.

Sec. 21. Any person whose property is taken or against whom an assessment is made, may within ten days from the return of the jurors to the common council, appeal from said assessment of damages or benefits to the circuit court of Sheboygan county, where such appeal shall be

tried by the court and jury, as in ordinary cases, and common council shall have the same right of appeal.

Sec. 22. Whenever any public ground, street or alley, shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

CHAPTER VII.

CITY IMPROVEMENTS.

SECTION 1. The aldermen of the several wards shall be street and road commissioners, in and for their respective wards, two of whom shall be a quorum; one of thier number, or some person appointed by them, shall be clerk of the board of commissioners, who shall keep a record of all their acts and doings, and shall keep and preserve all contracts, receipts and papers of the board. The several boards of street commissioners shall make report, in detail to the common council, of all their acts and doings as such commissioners, whenever required; and at the expiration of each year, and before their term of office shall expire, shall submit such report, and all their books, records, papers, accounts, receipts and vouchers, to the common council for final settlement and adjustment.

Aldermen to
be street com-
missioners

Sec. 2. Any person deeming himself aggrieved by any act of the board of street commissioners, may, at any time appeal to the common council, who shall enquire into, examine and correct the act or order complained of, as shall seem just and proper; and the further action of the board, in this respect, shall be regulated accordingly.

Sec. 3. The said street commissioners shall have power to order and contract for the making, grading, repairing, and cleansing of streets, alleys, public grounds, reservoirs, gutters, and sewers, within their respective wards, and to direct and control the persons employed therein.

Power of
Street com-
missioners.

Sec. 4. Whenever the street commissioners shall deem it necessary to construct or repair any side walk within their wards, they shall direct the owner or occupant of any lot adjoining such side walk to make or repair the same at his own proper cost and charge. If such work is not done, in the time and manner prescribed, the commission-

ers shall cause the same to be done at the expense of the lots adjoining such side walk.

Costs of surveying.

Sec. 5. The costs and expenses of surveying streets, alleys, sidewalks, sewers, and of estimating work thereon and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be chargeable to, and payable out of the fund of the proper ward; opening, grading, graveling, planking or paving streets and alleys to the centre thereof, shall be chargeable to and payable by the lots fronting or opposite to such street or alley.

Sewers.

Sewers may be ordered by the street commissioners, and built at the expense of the lots or parcels of land benefitted thereby, which shall be apportioned among said lots or parcels of land by the street commissioners; *Provided*, however, That where sewers are constructed through alleys, no lots shall be assessed therefor, except those situated in the block or blocks through which such sewers may be constructed, and where sewers are constructed, through streets, no lot shall be assessed therefor except those situated in the blocks fronting on such streets; and *Provided* further, That in all cases where improvements or work of any kind are chargeable, by virtue of this section, upon lots benefitted, all such improvements across streets, alleys and public grounds shall be made and paid for out of the fund of the proper ward, in proportion to the width of the street, alley or public ground.

Public improvements how made,

Sec. 6. Whenever the commissioners shall determine to make any public improvement, as authorized by sections 3, 4 and 5, of this chapter, they shall cause to be made an estimate of the whole expense thereof, and of the proportion to be assessed and charged to each lot, and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filled in, or to be excavated, in front of each lot; and such estimate shall be filed with the city clerk for the inspection of the parties interested. The street commissioners shall give notice, by advertisement, for ten days, in one or more public newspapers published in the city to the owners or occupants of the lots or parcels of land fronting on any street, alley, or side-walk, ordered to be graded, gravelled, planked or paved, requiring them to do the work mentioned in such notice, within a reasonable time therein to be specified; and if the said work shall not be done within such time, the said commissioners shall enter into contract for the doing thereof.

Sec. 7. Whenever the general interest of the city or ward requires deep cutting, or extraordinary filling in any street, and the owners of the lots or lands fronting on such deep cutting or filling, shall deem themselves aggrieved thereby, and shall represent to the commissioners in writing that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefore the street commissioners shall require the marshal to summon five free-holders, not residents of the ward, nor owners of nor interested in said lots or lands, who after being sworn faithfully and impartially to discharge the trusts reposed in them, shall examine the premises, and if, in their opinion, the cost of such work shall exceed the benefit derived therefrom, to such lots or lands, it shall be their duty to make report thereof to said commissioners, in writing, and shall state therein, what portion of such work shall be chargeable to such lots or parcels of land, and how much, or what portion shall be chargeable to the ward fund; and such proportion as shall be reported as properly chargeable to the lots or parcels of land aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder shall be paid out of the ward fund; *Provided*, however, That the petition of no owner, feeling himself aggrieved by an act of the street commissioners, shall be received unless the same shall be presented within fifteen days after the first publication of the notice requiring the same to be done: and *Provided* further, That when it shall appear to the street commissioners that lands belonging to the non-residents, infants, or persons laboring under any legal disability, who shall not be represented by any agent or guardian, are not benefited by the making of streets in front of such lots or lands, to the amount of the cost and expense thereof, it shall then be the duty of said commissioners to cause to be summoned, a jury, as is herein provided.

When cost of improvement exceeds benefit.

Proviso.

Sec. 8. The street commissioners shall give notice to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant water remaining thereon, in the official paper for ten days, to abate such nuisance by draining or filling such lot within a reasonable time, therein to be specified, and if such nuisance shall not be abated or removed within the time so specified, the street commissioner shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

Nuisances, abatement of.

Sec. 9. The Street Commissioners shall have power to

Wharves on
Sheboygan
river.

to regulate and cause to be constructed, altered and maintained, wharves along the banks of the Sheboygan river, and shall have and exercise the same power and control over the said river, that they, may by virtue of this act possess over street and alleys. They shall also have power to cause the Sheboygan river to be dredged on each side thereof not exceeding one hundred feet in width, and the expense of constructing, altering and maintaining such wharves, and dredging the river shall be apportioned by the street commissioners among, and payable by the several lots or parcels of land extending to said river, in proportion to the work done opposite to such lot or parcel of land to be estimated by them or the city surveyor; *Provided*, however, That before causing such work to be done the same notices shall be given as is required in the case of grading streets.

Lots may be
taxed for im-
provements.

Sec. 10. After the completion and performance of any contract entered by any street commissioners for work chargeable to lots or lands by virtue of this act, they shall give to the contractor or contractors a certificate, under their hand, stating therein the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable which said certificate may be transferred by endorsement thereon, and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same shall be assessed upon the said lots or parcels of land respectively, and collected for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of this act; and if the notice to do the work required shall have been given, as herein provided, no informality or error in the proceedings shall vitiate such assessment; *Provided*, That in no event where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or any ward be held responsible for the payment thereof.

Owner may
appeal.

Sec. 11. In all cases where work is ordered to be done by the owner of any lot, under the provisions of this chapter, such owner may make his appeal, as herein before provided, at any time within twenty days after the publication of the notice required to be given, and until the expiration of such twenty days no such order shall be executed.

Sec. 12. There shall be two day's work performed annually on the streets, highways, lanes and alleys by each male person who by the laws of this State is liable or sub-

ject to perform highway work, such person shall perform such labor in the ward where he resides under the Direction of such person as the said Commissioners may order and appoint, but such person may at his option pay to the said person so appointed by said Commissions at the rate of seventy five cents, for every day he may be so bound to work ; And in default of the payment of such money or the performance of such labor the said Commissioner of the proper ward shall issue their warrant to the Marshal of said city for the collection from each and every person so delinquent, the sum of one dollar and fifty cents, the amount of the tax aforesaid with legal costs ; and the said Marshall shall have the same power and authority and proceed in the service of said warrant in the same manner as prescribed by law in relation to the service of warrants issued for the collection of taxes assessed on personal property and shall be entitled to the same fees. But before the said persons shall be required to do such work as aforesaid, the said Commissioners shall make a correct list and enrollment of all such persons within their ward, and shall file a copy thereof with the clerk of the board of commissioners.

Each male person shall perform two days work on the highway.

CHAPTER VIII.

ASSESSING, LEVYING AND COLLECTING TAXES.

Sec. 1. All property, real or personal, within the city, except such as may be exempt by the laws of this state shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided ; and the assessors elected under this act shall have and possess the same powers that are or may be conferred upon town assessors, except so far as they may be altered by this act ; *Provided*, however, That the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering, or adding to such rolls as they may from time to time deem advisable.

Property subject to taxation.

Sec. 2. Whein ten day after receiving notice of their election, the assessors shall assemble at the common council chamber, and after taking their official oath shall pro-

Assessors, duty of.

ceed to organize their body by electing one of their number Chairman, who shall be authorised to administer such oaths as shall be required by this Chapter; and within such time as the common council shall designate, the said assessors shall make out a complete and accurate assessment roll, which shall contain a description, as near as may be, of all the lands, lots, or parcels of land, within said city sufficient to identify the same; and also of all persons or bodies, politic, liable to pay taxes on personal property; and opposite to each lot or parcel of land, shall be affixed the value thereof; and opposite to the name of each person or body politic, shall be affixed the value of the personal property for which such person or body politic shall be assessed. Where there are buildings upon any lot or parcel of land, the value of the same shall be set forth in a separate column. The assessors may if they deem it advisable assess any lot or track of land in such parcels or such subdivisions as they may deem proper, but it shall not be necessary to enter the name of the owner opposite to any tract or parcel of land. Any act done by a majority of the assessors shall have the same force, and effect as if done by all the assessors elected under this act.

Shall meet to
hear objec-
tions.

Sec. 3. When the same shall be completed, the assessors shall give one weeks notice thereof in the official papers, and shall fix a time and convenient place where they will meet for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment; and after hearing the same, the assessors shall make such alterations or revisions as justice or equity may require; *Provided*, The time of hearing such objections shall not be extended more than two weeks from the expiration of such notice.

Assessment
roll, when to
be returned.

Sec. 4. Within one week after the time limited for the hearing of such objections, the Board of assessors shall return the said assessment roll to the common council, and they may confirm or refer the same back to the board of assessors. The common council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same; *Provided*, however, The common council shall not have power to increase the amount of said roll, except by the value of such real property as may have been omitted by the assessors.

Sec. 5. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk and an order confirming the same shall be entered in the

proceedings of the common council, thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied, and if not for general city purposes, the ward upon which the same are levied.

Common council shall levy taxes.

Sec. 6. All taxes and assessments, general and special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed from the time of the confirmation of such assessment roll; and on all personal property of any person or body politic assessed for personal taxes, from the delivery of the warrant for the collection thereof, until such tax shall be paid; and no sale or transfer of such real or personal estate shall effect such lien. Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes upon personal property.

Taxes shall be a lien upon property.

Sec. 7. As soon as said tax shall be levied, the common council shall cause the same assessment roll to be copied in a book provided for that purpose, setting opposite to each tract of land and to each person named under proper columns, such sum or sums as may be levied upon such lot or against such person. The said copy shall be designated the tax list, and to it shall be appended a warrant, signed by the Mayor and Clerk, and sealed with the Corporate seal of said city, directed to the Treasurer, requiring and commanding him to collect the taxes and assessments in said list specified in the manner prescribed by this act; and in case said taxes and assessments shall not be paid within such time as in said warrant shall be specified, that then he shall proceed to sell the several lots or parcels of land, or those parts thereof, upon which said taxes or assessment shall remain unpaid, and to make due return thereof to the common council within such time as shall be fixed in said warrant.

Tax list how delivered to treasurer.

Sec. 8. Such tax list, before being delivered to the Treasurer, shall be compared by the Clerk with the assessment roll, as confirmed; to it he shall append his certificate, that the same has been so compared by him, and that the said assessment roll, and the whole thereof has been copied into such tax list and the said tax list, when so certified, shall be prima facie evidence in any court, that the lands and persons therein named and described

Shall be compared by clerk.

were subject to taxation, and that the assessment was just and equal.

**Treasurer to
give notice.**

Sec. 9. On the receipt of such tax list, the Treasurer shall give one weeks notice thereof in the official papers, such notice shall specify that taxes on personal property shall be paid within twenty days from the first publication of said notice; and taxes and assessments on real estate before the first Monday of December following; and that all tracts or parcels of land specified in such tax list, upon which the taxes and assessments shall not be paid by that day, will be sold at a certain time and place to be therein specified; and the publication of such notice shall be deemed a demand, and a neglect to pay the taxes and assessments within the time specified, shall be deemed a refusal to pay the same.

**Collection of
taxes how en-
forced.**

Sec. 10. On the expiration of the twenty days mentioned in the preceding section, the Treasurer shall proceed to enforce the collection of the personal taxes in the manner specified in title five of the Revised Statutes, and if any of such personal taxes shall not be paid or collected in consequence of the neglect or delay of the Treasurer, the common council may sue for and recover the amount thereof from the said Treasurer and his securities. In case the taxes on personal property shall not be paid within the time limited in the ninth section of this chapter, the Treasurer may issue his warrant directed to the city Marshall, requiring and commanding him within a certain time in such warrant to be specified, to proceed and collect such taxes on personal property as shall then remain unpaid; and the Marshall receiving such warrant shall be subject to all the liabilities, and shall have all the powers of levying distraining, and selling, that are herein given to the Treasurer, and shall be entitled to the fees for collecting which the Treasurer would have, had the taxes been collected by him.

**Shall sell at
auction.**

Sec. 11. On the day and at the place designated in the Treasurers notice, he shall commence by public auction the sale (and continue the same from day to day till the whole are disposed of) of all tracts and lots, or parts thereof upon which the taxes or assessments shall remain unpaid. The same to be made for the smallest undivided portion of the lot or tract for which any person will take the same and pay the taxes and charges thereon.

On receiving the the amount of such taxes and charges, the Treasurer shall issue to the purchaser, his or her heirs or assigns a certificate, containing the name of the pur-

chaser, a description of the premises sold, the amount paid therefor, the rate of interest, said certificate may bear, and the time when the right to redeem the same will expire. The Treasurer shall keep a record of the lots or tracts sold, the name of the purchaser, the date and amount of sale, the time, by whom and for what sum the same was redeemed, and the time, and to whom the same was conveyed if not redeemed.

Sec. 12. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold, at such time as the Treasurer shall designate, he shall, on the day following, offer said lot or tract again for sale; and any person bidding off at any such sale, any lot or tract of land, and refusing or neglecting to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars, for each lot so purchased and not paid for, to be sued for and collected as other penalties under this act. Forfeiture in case of failure to pay.

Sec. 13. Any tract or lot of land so sold, or any portion thereof, may be redeemed within two years from the day of sale, and at any time before the deed is executed, by the owner or any person interested therein, paying to the Treasurer the amount for which the same was sold, together with the interest at the rate of twenty five per cent per annum, and the legal charges thereon. If the estate of an infant or lunatic be sold, the same may be redeemed upon the like terms, at any time within one year after such disability shall be removed. Redemption.

Sec. 14. Any tract or lot of land sold in pursuance of this act, or any part thereof, which shall not be redeemed within two years from the day of sale, shall be conveyed by the Treasurer to the purchaser or his assigns, as herein provided. When conveyance may be made.

Sec. 15. The assignee of any tax certificate, by endorsement thereon, of any premises sold for taxes by virtue of this act, shall be entitled to receive a deed of such premises in his own name and with the same effect, as though he had been the original purchaser. Assignee.

Sec. 16. If at any sale of real or personal estate for lands or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city; and thereupon the city shall receive, in the corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are.— When no bid is made.
If the city shall become the purchaser of any personal property by virtue of this chapter, the Treasurer shall have

the power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the Treasurer is authorized to sell the certificate issued therefor, for the amount sold and interest, and to endorse and transfer such certificate to the purchaser.

When land is omitted in assessment roll.

Sec. 17. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess upon the lot or tract so omitted, for such year or years that it shall be so omitted the just value thereof, noting the year when such omission occurred; and such assessment shall have the same force and effect as it would have had, if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year such tax to be levied upon such lot or tract as the same would have been chargeable with, had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted in whosoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in the assessing, levying, selling or conveying the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessments so set aside or declared void, to be relieved in such manner as they shall by Ordinance direct;

Proviso. *Provided*, That if the defect was in the assessment the same shall again be assessed at such time as the Common Council may direct; and the said tax or assessment so reassessed or relieved, shall be and continue a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Deeds shall be evidence.

Sec. 18. All deeds purporting on their face to be executed on account of sale for taxes or assessment under this act, shall be in all cases prima-facie evidence of the validity of such tax, and if the title conveyed by such deed shall come in question, shall be prima-facie evidence of all facts recited in such deeds, so far as they affect the validity of the title conveyed by such deed.

In case of error.

Sec. 19. All the directions hereby given for the assessment of lands, and the levying and collection of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers interested with the same, not affecting the substantial justice

of the tax it self, shall vitiate or in any wise affect the validity of the tax or assessment.

Sec. 20. The Treasurer shall receive all moneys that may be legally tendered him for the redemption of lands sold for taxes, and he shall keep an account thereof, and pay the same over on demand, to the persons entitled to receive the same. He shall cancel all certificates so redeemed, and preserve the same to [in] his office, and at the expiration of his term of office, he shall deliver over to his successor all redemption moneys in his hands, with a statement of the amount so received. Redemption money paid to treasurer.

Sec. 21. In all cases where by the provisions of this act, any charge or assessment is made a lien upon land, the amount of such charge or assessment shall be carried out in the tax list in a separate column or columns opposite the lot or tract upon which the same may be a lien; and the Treasurer may collect and sell, and do all other acts in regard thereto, in the same manner as if the amount of such lien was a general tax.

Sec. 22. The Treasurer shall receive such sum for his services as the common council may allow him, not exceeding two hundred dollars per annum and for all services performed by him, he shall collect for the use of the city such fees as are allowed to town and county Treasurers for similar services. Treasurer's fees.

Sec. 23. Whenever any person shall bid off any lot offered for sale for taxes, which lot shall have been bid off in the name of the city for the taxes of any previous year, and shall, at the time of such subsequent sale remain the property of the city, such person shall, before being entitled to his certificate of such sale, purchase of the city its certificate, by paying the amount of principal, interest, and charges thereon, and receive from the Treasurer an assignment thereof. When lots have been bid off by the city.

Sec. 24. When there shall be a sale by the County Treasurer, and by the city Treasurer of any piece or parcel of land for taxes, in the same year, the purchaser of such piece or parcel who may be first in point of time, may redeem the same from the subsequent purchaser, and in case he shall not redeem, the right of the last purchaser shall be held paramount in case of the execution of any tax deed therefor. If the first purchaser in point of time shall so redeem, it shall be the duty of the proper officer to make an entry in the sale book of the character in which such person may redeem, and the person so redeeming When sold by both county and city.

shall be substituted to all the rights of the holder of the certificate so redeemed as aforesaid.

Relative to
setting aside
assessments.

Sec. 25. No person shall be permitted to institute any proceeding to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside any deed, executed in consequence of the non-payment of such taxes and of the sale of premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the Treasurer, the amount of all State, County and city taxes and assessment that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

Treasurer to
execute deeds

Sec. 26. The city Treasurer for the time being shall execute and deliver deeds for all lots in pursuance of sales heretofore made by the Treasurer of the village of Sheboygan in pursuance of laws heretofore existing, the same as if this act had not been passed; and all moneys, interests, and fees required to be paid for the redemption of lots or lands heretofore sold for village taxes shall be paid to the Treasurer of the city, who shall make a record of said redemptions and issue certificates of redemption to the persons redeeming the same and the same costs, charges and fees shall be charged and paid for said redemptions as are specified by the law in the redemption of lands sold for village taxes.

COUNTY AND STATE TAXES.

Relating to
taxes.

Sec. 27. Before the annual meeting of the board of supervisors of the county of Sheboygan, in the fall, it shall be the duty of the city clerk to cause a copy of the assessment roll of said city for such year, to be transmitted to the clerk of the board of supervisors, who shall lay the same before the board of supervisors at such meeting.

Sec. 28. The board of supervisors shall have the right of equalizing the assessment rolls of the towns in said county, and of said city, as provided by law; but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Sec. 29. The said board of supervisors may levy a tax, as now provided by law, but shall therein proceed without regard to the division of the city into wards, and shall cause the amount of taxes to be levied, and the purposes

to be certified to the city clerk, in the manner provided by the general laws of the State; and the said city clerk shall make out a tax list for that purpose, separate from the tax list for city purposes, and shall deliver the same to the city treasurer, as provided by law.

Sec. 30. The treasurer of the city in giving bonds for collecting such tax, and making his return to the county treasurer, and in all other respects, shall conform to the general laws of the state regulating the same, except that the returns to the county treasurer shall be for the city and not for the wards.

CHAPTER IX.

FIRE DEPARTMENT.

Sec. 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damage.

Power of common council in construction of buildings.

Sec. 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearthstones, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed, or placed in a safe and secure condition when considered dangerous;

General powers to guard against fire.

To prevent the deposite of ashes in unsafe places;

To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire;

To regulate and prevent the carrying on of manufactories, dangerous in causing or promoting fires.

To regulate and prevent the use of fire works and fire-arms;

To compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same;

To authorize the mayor, aldermen, firewardens, and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

May purchase
fire engines,
&c.

Sec. 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder, and hose companies, and to provide for the due and proper support and regulation of the same; and to order such companies to be disbanded and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws of this State, or the ordinances or regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed shall be exempt from highway work and poll tax, from serving on juries and from military duty, during the continuance of such membership; and any person having served for the term of seven years, in either of said companies, shall be forever thereafter exempt from serving on juries, from poll tax and from military duty, except in case of insurrection or invasion.

Fire compa-
nies shall
meet.

Sec. 4. There shall be a meeting of the members of said companies on the second Monday of April in each year, at such place as may be designated by the common council, when they may nominate and recommend to the common council for appointment, one chief engineer, and three assistant engineers, and the said council shall thereupon confirm said nomination; and the persons so appointed shall perform such duties as the common council shall prescribe; and they may at any time enter into or upon any house, store, or other building or enclosure, for the purpose of inspecting the same.

Sec. 5. One half the net proceeds of all fines or penalties recovered for the breach of any ordinance, by-law or regulation, made in pursuance of this chapter, shall be paid to the fire department.

Sec. 6. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or aldermen, at any fire, it shall be lawful for the officer giving

such order, to arrest, or to direct orally, the marshal, constable, watchman, or any person, to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest, or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

May be arrested for refusal to obey.

Sec. 7. The common council shall have power to organize such other companies and make such further regulations as they may deem proper for the protection of property in said city from fire, and may enforce the same by adequate fines and penalties.

CHAPTER X.

EDUCATION.

SECTION 1. The limits of said city shall constitute one School District, and the laws of the State on the subject of common schools in the towns shall apply to said city, and all acts required in said laws to be done by any town officer relative to schools and school officers, shall be performed in the same manner by the corresponding officers in said city.

One school district.

Sec. 2. Any differences arising between said school district and any other school district, growing out of the passage of this act, shall be settled and adjusted by the Superintendent of Schools in said city and the Superintendent of Schools for the town of Sheboygan.

Superintendent to adjust difficulties.

Sec. 3. The common council may borrow, on the faith of the city, a sum not exceeding five thousand dollars, for the purpose of erecting and furnishing a public school house in said city, for a term not less than five years and at an interest not exceeding ten per cent, and may issue the bonds of the city therefor and shall provide for the payment of principal and interest thereof, by a general tax upon all the taxable real and personal property in said city.

Public school house.

CHAPTER XL

SUPPORT OF POOR.

Laws of State shall apply. SECTION 1. The laws of this State for the relief and support of the poor in towns shall apply to said city, and the common council shall annually levy such tax as may be necessary to comply with the provisions of such laws, and the common council shall appoint one of their number to act as overseer of the poor of said city, who shall perform all the duties of overseer of poor in towns.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Sec. 1. All work for the city, or either of the wards, shall be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting such contract.

Sec. 2. No money shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Sec. 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of all the aldermen elect.

Sec. 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt, for such penalty or forfeiture, stating the clause of this act, or by-law, or ordinance, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Sec. 8. All ordinances, regulations or resolutions now in force in the village of Sheboygan, and not inconsistent with this act, shall remain in force under this act until altered, modified, or repealed by the common council after this act shall take effect.

Sec. 9. All actions, rights, fines, penalties and forfeitures in suit or otherwise, which have accumulated under the government of said village, shall be vested in and prosecuted by the corporation hereby created.

Sec. 10. If any election by the people or Common Council shall, for any cause, not be held at the time, or in the manner herein prescribed, or if the Council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending, or absolving said corporation, but such election or corporation may be had on any subsequent day, by order of the Common Council, and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any specified time, and the same are not then done the Common Council may appoint another time, at which the said acts may be done and performed.

When an election is not held.

Sec. 11. Bridges shall be maintained, supported and built across the Sheboygan River in said city, where the same may be necessary or convenient, at the general expense of the city. All of said bridges shall contain draws sufficient for the passage of vessels and boats.

Bridges.

Sec. 12. The general laws for the preservation of bridges, and the punishment by such laws provided for the wilful and malicious injuries done thereto, are hereby extended to such bridges, and the common council may make such by-laws and regulations for the preservation of such bridges, and enforce the same by adequate penalties; and for any injury done thereto, by boats or vessels, may proceed against them under the law to provide for the collection of demands against boats and vessels.

Laws relative to bridges.

Sec. 13. When any suit or action shall be commenced against said city, the service of process therein may be made by leaving a copy thereof, by the proper officer, with the mayor; and it shall be the duty of the mayor, forthwith, to inform the common council thereof, or take such other proceedings as by the ordinances or resolutions of said council may in such case be provided.

Suits, how commenced against the city.

Sec. 14. The common council may appoint three commissioners from each ward, who, with the assistance of a surveyor and assistants, to be appointed by said council, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and shall cause to be established such permanent land-marks as they may deem necessary, and to cause an accurate plat or plats thereof to be made, and certified to by the said Surveyor and Commissioners, which shall be filed in the office of the City Clerk, and a copy thereof, shall be recorded in the office of the Register of deeds, of Sheboygan county.

Commissioners.

Sec. 15. The survey and land marks so made and es-

tablished, shall be prima facie evidence of the lines and boundaries of all such streets, alleys, side-walks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy, in all courts of this State.

Relative to
grade of
streets.

Sec. 16. The common council may at any time, under the direction of a Surveyor to be appointed by them, cause to be established the grade of all streets, side-walks, and alleys in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the Register of deeds of Sheboygan county; or they may adopt such grades as have already been made or established by the village of Sheboygan; and should the grade so established or adopted by said city, at any time hereafter be altered, all damages, costs and charges arising therefrom, shall be paid by the city to the owner of any lot or parcel of land, or tenement, which may be effected or injured in consequence of the alteration of such grade.

By-laws, &c.

Sec. 17. The common council may appoint one or more commissioners, whose duty it shall be to report to the common council within a reasonable time, a draft of all ordinances, by-laws, rules, regulations and forms, that may be necessary to carry this act fully into effect, and more fully to define the power and duties, and fix the compensation of the several officers created or authorized by this act. The said ordinances, by-laws &c., when they shall have been adopted by the common council, shall be published in a convenient form, together with this act, and the same, when so published, shall be admitted as evidence in any court within this State, of the passage and publication of such ordinances, without any further publication in the official paper.

May hold real
estate.

Sec. 18. The said city may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Sec. 19. Real estate exempted from taxation by the laws of the State, shall be subject to special taxes, as other real estate under this act.

Sec. 20. No general law of this State, contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Sec. 21. The said city of Sheboygan shall be and is hereby invested as the lawful owner and successors of all

the real and personal estate, and all the rights and privileges belonging to the corporation of the village of Sheboygan, together with all the funds, resources, debts and demands due and owing to the said village of Sheboygan, as a corporate body, which by or under any former acts, ordinances, grants, donations, gifts or purchases, have been acquired, vested, or in any manner belong to said corporation, and the same are hereby transferred to the corporate body created by this act, and all suits, judgments, rights, claims and demands against the said village of Sheboygan, may be continued, prosecuted, defended and completed in the same manner as if this act had not been passed.

City, owner and successor of village property.

Sec. 22. All the officers of the village of Sheboygan shall remain in their respective offices, and perform the several duties thereof, until the officers elected by virtue of this act, shall be elected and qualified.

Sec. 23. From, and after the second Tuesday of April, 1853, the connection between the said city of Sheboygan, and the town of Sheboygan, for town purposes, shall be dissolved, and the duties now or hereafter imposed upon the Supervisors and other officers of towns, so far as they relate to the city of Sheboygan, shall be imposed on the officers of said city of Sheboygan; and so much of the town of Sheboygan as is not included in the city of Sheboygan, shall continue to constitute the town of Sheboygan for the purposes of town and county government, and they shall hold their next town meeting at such place within the original town of Sheboygan as the present board of Supervisors shall appoint, and thereafter their place of meeting shall be decided by vote at their town meeting.

Connection between city and town dissolved.

Sec. 24. The town business of the present town of Sheboygan, up to the time of the commencement of the city government under this act, shall be settled by the town, as constituted by this act, and the amount of funds remaining, or debts due, as the case may be, shall be proportioned between the said town and city, according to the amount of taxable property belonging to each, as taken from the last assessment roll; such settlement to be made with the city council, by the Supervisors of said town.

Town business

Sec. 25. This act may be amended, altered or repealed by the legislature, and the act entitled "An Act to incorporate the Village of Sheboygan," approved February 2d, A. D., 1846, and all acts amendatory thereof, and all

How this act may be recalled.

other acts inconsistent with this act, are hereby repealed; such repeal to take effect immediately on the organization of the city government under this act.

Sec. 26. This act shall be considered a public act, and shall be construed favorably in all courts and places.

Relative to
justices.

Sec. 27. Any justice of the Peace of the town of Sheboygan, who shall reside within the city limits, and whose term of office shall not have expired at the time this act shall take effect, may hold and exercise the duties of his office, for the residue of his time of office, in the same manner as though this act had not been passed.

Sec. 28. This act shall take effect, and be in force from and after its passage.

Approved, March 19, 1853.

An Act authorizing William H. Oliver to establish a ferry across Lake St. Croix.

Chap. 95.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Privilege
granted.

SECTION 1. That William H. Oliver, his heirs, executors, administrators or assigns, shall have the right and privilege for the period of ten years of keeping and maintaining a ferry a cross lake St. Croix, opposite the Saint Croix hotel, in Hudson.

Duty of ferry-
men.

Sec. 2. Said William H. Oliver shall at all times keep good boats, in good repair, sufficient for the accommodation of all persons wishing to cross at said ferry, and shall give prompt and ready attendance on passengers or teams on all occasions and at all times both at night or day; but persons crossing said ferry after nine o'clock at night may be charged double the fare hereinafter prescribed.

Rates.

Sec. 3 The rates charged for crossing at said ferry shall not exceed the following: for each foot passenger, ten cents; for each horse or mule with or without a rider, twenty-five cents; for each ox or cow, twenty-five cents; for each two horse, two ox or two mule team, loaded or unloaded, with driver, seventy-five cents; for each single horse carriage, with not exceeding two persons, fifty cents; for each head of swine or sheep, four cents; all freight, of lumber, merchandize, or other articles, not in teams, at the rate of ten cents per barrel, fifty cents per thousand feet of lumber, and five cents per one hundred pounds for all other articles.

Sec. 4. The said William H. Oliver shall, within six months after the passage of this act, file or cause to be

filed with the clerk of the Board of Supervisors of St. Croix county, a bond to the said Board, with two or more good and sufficient sureties, to be approved by said Board, in the penal sum of one thousand dollars, conditioned that he will fulfil all the duties that are imposed upon him by this act; and in case of his failure so to do he shall forfeit all the benefits that might have accrued to him by the passage of this act. Shall file bond,

Sec. 5. For any neglect in keeping good and sufficient boats, or failure to give prompt and due attendance upon said ferry, the said William H. Oliver shall forfeit a sum not exceeding twenty dollars, to be recovered by an action of debt, before any court having competent jurisdiction, and shall be further liable in an action on the case for all damages any person may sustain by reason of the failure of said Oliver to fulfil any of the duties imposed upon him by this act. Forfeiture for neglect.

Sec. 6. Any person who shall sustain any injury by the negligence or default of said Oliver, or of the ferry-men in his employ, may have a remedy by an action on the bond required by this act. Remedy for injury.

Sec. 7. The Legislature may at any time alter, amend or repeal this act.

Approved March 19, 1853.

An Act to authorize the Racine, Janesville and Mississippi Railroad Company to build their road in divisions.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 96.

SECTION 1. The Racine, Janesville and Mississippi Railroad Company are hereby authorized to construct their road in divisions, and to make the Stock of the several divisions separate and independent Stocks.

Sec. 2. This act shall take effect from and after its passage.

Approved, March 19, 1853.

An Act to authorize the City of Milwaukee to construct a Canal from the Milwaukee River to River Street, in the Fifth Ward of said City. and to levy a special tax to pay for the same.

Chap. 97.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The City of Milwaukee is hereby authorized to construct a Ship Canal from the Milwaukee River to River Street in the Fifth Ward of said City; said Canal May construct a ship canal.

to be not less than eighty nor more than one hundred feet wide and ten feet deep, and to run through block No. 68 and block No. 112, and part of block No. 111, to the Alley running East and West in said block No. 111; thence to said River Street, taking said Alley in said block No. 111, and also Alleys in blocks No. 110 and 109, and not less than thirty nor more than forty feet on each side of said alleys and crossing the streets intervening between said River and said River street.

Necessity for
taking lands
must be estab-
lished.

Sec. 2. Before the commencement of the construction of said Ship Canal, and taking the lands required for the same, the necessity of taking such lands for that purpose shall be established by a verdict of a jury in the same manner as is provided for laying out public squares, grounds streets and alleys, in Chapter six of "an act to consolidate and amend the act to incorporate the City of Milwaukee, and the several acts amendatory thereof," approved February 20th 1852, and the provisions of said Chapter as far as applicable, are hereby adopted as part of this act.

Contract how
let.

Sec. 3. The Common Council may let out the contract for constructing said Canal in the same manner as is provided by law for making contracts for grading streets when owners refuse to grade, and shall report the same to the Common Council to be accepted or refused; if the said Common Council shall refuse to ratify such contract, the contract may then be let out in such manner as said Council may by ordinance direct; *Provided*, however, the said City or ward shall in no case be made liable for the payment of the costs of constructing said Canal or for land taken for the same, or any expenses connected therewith, but the contractors and others shall rely solely upon the tax and assessment to be levied as hereinafter provided.

Damages how
estimated.

Sec. 4. That any person whose land may be taken for the use of said Canal as aforesaid, may apply to the Common Council for payment, whereupon the said Council shall by ordinance direct the empanneling of a jury who shall proceed in such manner as in such ordinance shall be prescribed, and estimate the damages and benefits which the owners of Lots in said blocks may sustain by reason of the taking of land for said Canal, and the benefits which the several owners of Lots in said blocks may derive from the construction of such Canal, and shall apportion all the damages which may accrue to any person or persons as aforesaid over and above his benefits upon the several other lots in said Block, according to the benefits which such other lots may derive from the same.

Sec. 5. The Common Council shall levy upon the several lots, and such parts of lots as are not taken for said Canal in said blocks, the costs of constructing said Canal according to the value of the same, as shall appear by the assessment rolls made last before such tax shall be levied; and shall also levy such amounts as shall be apportioned as aforesaid upon the several lots and parts of lots upon which the same may be so apportioned as aforesaid, and such taxes so levied as aforesaid shall be a lien upon such lots or parts of lots for which the said lots may be sold under the direction of the Common Council, in the same manner as is now provided by law for the sale of lots in said City for special taxes which shall be unpaid. How taxes may be levied.

Sec. 6. The Common Council may from time to time pass such ordinances for carrying out the powers hereby vested in them and the object of this Act, as they may deem necessary.

Sec. 7. Nothing contained in this Act shall be so construed as to prevent the building of any Bridges across the said Canal.

Approved, March 19, 1853.

An act to incorporate the Amsterdam Plank Road Company.

The people of the State of Wisconsin, represented in Chap. 98. Senate and Assembly, do enact as follows:

SECTION 1. John R. Muller, John Evans, Sweezy Burr, Corporation. Harvey L. Wright, George Smith, James R. Wareham, S. A. Rathbone, G. Buenschot, Caleb Soul and Peter Zonne, and such other persons as shall associate with them for that purpose are hereby made and constituted a body corporate and politic by the name and style of the "Amsterdam Plank Road Company" with perpetual succession; and by that name and style shall be capable in law of taking, purchasing, holding, leasing and conveying estates and property, both real and personal, so far as the same may be necessary for the purposes hereinafter mentioned and no further, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, may contract and be contracted with, and may have and exercise all the powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as the same are hereinafter set forth.

Sec. 2. The Capital Stock of said Company shall not

Capital stock. exceed seventy-five thousand dollars to be divided into shares of ten dollars each; and such shares shall be assignable, and transferable in such manner as shall be prescribed in the By-Laws of said Company.

Directors. Sec. 3. John R. Muller, John Evans, Sweezy Burr, Harvey L. Wright, George Smith, James R. Wareham, S. H. Rathbone, G. Buenschot, Caleb Soul, and Peter Zonne, shall be the first Directors of said Company, and at their first meeting they shall elect by ballot; one of their number to be President, a majority of said Directors shall be competent to manage the affairs of said Company; such first meeting shall be held at a time and place to be fixed by a written agreement to be signed by all of said Directors; or at a time and place to be designated by a majority of said Directors, and by a personal service of a written notice of such time and place of meeting upon such Directors as shall not agree to the fixing of such time and place of meeting at least three days previous to the time fixed for such meeting.

May open books. Sec. 4. The Directors of said Company may open books to receive subscriptions to the capital stock of said Company, at such times and places as they may appoint, and shall receive such subscriptions under such regulations as they may adopt for that purpose; and said Company may commence business whenever two thousand dollars of said stock shall have been subscribed, and five per cent thereon paid in, or secured to be paid in to the satisfaction of said Directors.

Directors, election of. Sec. 5. To continue the succession of President and Directors, nine Directors shall be chosen by the Stockholders annually. The first election shall be held on the first Monday of December next, at such place as the Directors of said Company shall have designated, by giving public notice thereof in a newspaper printed in the County of Sheboygan at least four weeks before the said first day of December next, and the persons thus chosen shall be Directors of said Company, and shall hold their offices for one year; and until others are chosen in their stead; the Board of Directors shall choose one of their number President of the Company who shall hold his office one year, and until his successor is elected; subsequent meetings for the election of Directors of said Company, shall be held on the first Monday of December in each year; notice of every such meeting shall be given in the manner specified in this section or in such manner as may be provided in the By-Laws of said Company; no person shall be

competent to act as a Director, who is not a Stockholder, and if any vacancy shall occur by death resignation or otherwise, in the office of President or Directors, such vacancy may be filled by the Directors of said Company or a majority of them. At every election of said Company, and whenever a vote of the Stockholders is to be taken each Stockholder shall be entitled to one vote for every share of Capital Stock he shall hold, and may vote in person or by proxy. In case it shall at any time happen that an election of Directors shall not be made on any day when, pursuant to this act it ought to be made, the Corporation shall not for that cause be dissolved, but such election may be subsequently made, and the Directors previously chosen shall hold their offices until such election shall be made, meetings of the Stockholders of said Company except, for the election of Directors, may be provided for in the By-Laws of said Company.

Sec. 6. The said Company shall have the right to locate and construct a single or double track, turnpike or plank road from some point on the shore of Lake Michigan in the village of Amsterdam in the town of Holland in the County of Sheboygan, running westward till it intersects with the line of any plank road, running from Milwaukee to Fond du Lac, or any part of the distance, and may connect the same with any other turnpike, plank, or other road. The track of said road shall be constructed of timber, plank, stone, gravel or other hard and durable substance, or partly of each, so as to have a hard, smooth and even surface. The particular manner of building said road to be determined by the said Board of Directors. Rights of company.

Sec. 7. The location of the route of said road shall be determined by the Board of Directors of said Company, and if the same be located on any public highway, they shall have power to contract with the proper authorities of the town in which said highway may be, for the right to use said highway for the purposes of said road, and the said authorities are hereby authorized to grant to said Company the right to use any highway in their town, on such terms as they may agree upon. Location of route.

Sec. 8. The said Company are hereby authorized to obtain by loan, any sum or sums of money for the purpose of the location and construction of their road, and for such other expenditures as may be deemed necessary, and to secure the payment of the same in such manner as shall be necessary. May loan money.

Directors to
conduct affairs
of company.

Sec. 9. The Directors or a majority of them shall have full power to conduct the affairs of said Company, and to exercise any powers which said Company might exercise, subject however at all times to such regulations and directions as the stockholders may adopt at any annual meeting, or special meeting called pursuant to this act or the By-Laws of said Company.

Appoint sec-
retary, &c.

Sec. 10. The Directors of said Company may appoint a secretary, treasurer and such other officers as they may deem necessary, and shall have the power to decide the time, manner and proportions in which Stockholders shall pay money due on the share or shares held by them, and to declare forfeits to the use of said Company, the share or shares [of] any person or persons failing to pay any instalment so required to be paid, after notice of the same in the manner to be provided therefor in the By-Laws of said Company, for a period of not less than sixty days; *Provided*, That no instalment called in at any one time shall exceed two dollars per share, and no instalment shall be called in by the Directors without giving at least thirty day's notice, in the manner to be provided for in said By-Laws, or in their discretion sue for and collect the same from such delinquent Stockholders in any court of competent jurisdiction in the name of said Company.

Directors shall
issue certi-
ficates of stock.

Sec. 11. The Directors of said Company shall issue a certificate to each Stockholder for the number of shares he or they may subscribe for or hold in the said Company, signed by the President and countersigned by the Secretary, and sealed with the common seal of said Company, subject, however, to all payments due and to become due thereon, which Stock shall be transferable and assignable in such manner as may be provided for in the By-Laws of said Company. And at each annual meeting of the Stockholders for the purpose of choosing, Directors, the Directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of said Company, for such year.

Time of com-
mencement
of road.

Sec. 12. If said Company shall not within two years from the passage of this act commence the construction of said road and shall not within ten years from the passage of this act construct a single or double track for a distance of ten miles, then and in that case it shall be considered a violation of this charter, and all rights, privileges and powers of said Company acquired under this act shall be forfeited.

Sec. 13. It shall and may be lawful for said Company, ^{May enter upon} their officers, engineers and agents, to enter upon any ^{on lands.} lands or highways for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, nor locating any such route through any Orchard or Garden, without the consent of the owner thereof, nor through any building or any fixtures for the purposes of trade or manufacture, or any yard or enclosure necessary to the use and enjoyment thereof without the consent of the owners; and when the said route shall be determined by said Company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands and highways to the width of four rods; and also to take from any land adjoining said road, gravel, stone, or earth for the purpose of constructing or repairing said road, subject, however, to the payment of such compensation as the Company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided in the case of land.

Sec. 14. Whenever it shall be necessary for said Company to enter upon, and occupy for the purpose of constructing said road, any land or highway upon which the same may be located or to take from such land or the land adjoining said road, any gravel, stone, or earth for the purposes of said road, and the owner or owners, or the Supervisors of the town in which said road is located on any highway, shall refuse to permit such entry, occupation, or taking, and the parties cannot agree upon the compensation to be made for the injury to be done to such land or highway for such entry, or occupation, or taking, it shall, and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall be sworn, fairly and impartially to estimate the same.—
The expenses of such appraisal shall be paid by the Company; but if the parties cannot agree upon such persons, or if the persons thus chosen cannot decide upon the matter, or if the owner of the land or the proper Supervisors, refuse or neglect to join in such appointment, within twenty days after notice for that purpose upon him or them, made, or if such owner shall be under a legal disability or out of the State, then and in either of such cases it shall be lawful for the county judge, or a court commission of the county in which such lands lie, upon application of either party, and at the cost and charges of the Company, to appoint and he shall appoint,

Relative to
taking gravel,
&c.

Proviso.

three disinterested persons of the same county to view the land or highway and estimate the damage or injury which will be sustained by reason of the entry or occupation, or taking as aforesaid; *Provided*, That the party applying to the judge or commissioner for the appointment of appraisers shall give to the other party, if a resident of this State, at least ten days notice of the intention of such party to make such application; which notice shall set forth the time and place at which such application will be made. And in case the owner of the land shall be a minor, insane person, or married woman, then it shall be sufficient to serve the said notice, on the Guardian of said minor, committee of said insane person, or on the said married woman and her husband. The said appraisers shall as early as practicable report under oath to the officer by whom they were appointed, the amount, of damages sustained by any party by reason of such entry occupation or taking as aforesaid, which report together with the other papers and proceedings, shall be filed by the officer appointing the appraisers in the office of the Clerk of the County Court of said County. The said appraisers shall be paid each two dollars per day for their services, by the Company in all cases, when the damages reported by said appraisers exceed the amount offered by said Company previous to the appraisal, or they shall be paid by the other party when the sum awarded by the appraisers, does not exceed the sum offered by the Company. The said appraisers shall in all cases take into account, in awarding damages, the benefits arising to the person claiming damages, in consequence of the building of said road. Upon the payment to the owner or owners of said lands, or to the Supervisors of the proper town, of the sum specified in said report, or on depositing said sum with the Clerk of the Circuit Court of the County where said lands are situate, for the benefit of said owner or owners, the said Company may immediately enter upon, occupy or take from said lands as hereinbefore specified, and either party may appeal to the Circuit Court of the County in which said lands are situate, within thirty days after such report may have been filed in the Clerks office, and such appeal shall be tried as other issues arising in said Court.

**Erection of
toll gates.**

Sec. 15. In the completion of said road from the Lake shore as far west as where the same shall cross the highway known as the "Green Bay road," in the town of Holland in the County of Sheboygan, the Company may erect

one toll gate upon their road and thereafter on the completion of every three consecutive miles of said road, may erect toll gates, but not at a less distance than three miles apart and may demand and receive such tolls as from time to time they may think reasonable, not exceeding two cents per mile, for any sleigh, carriage, or vehicle drawn by two animals, and if drawn by more than two animals one cent per mile, for every additional animal, for every sleigh, carriage or vehicle, drawn by one animal, one cent per mile, for every horse and rider or led animal, one cent per mile, for every score of sheep or swine, one cent per mile, and for every score of neat cattle four cents per mile.

Sec. 16. Each toll gatherer may detain and prevent from passing any gate on said road, all persons, riding, leading or driving animals or carriages, subject to toll, until they shall have paid respectively as authorized by this act, and any person who shall forcibly or fraudulently pass any toll gate erected on said road, pursuant to this act without having paid the legal toll, and any person who, to avoid the payment of legal toll, shall with his carriage or horse, or other vehicle, or animal or animals liable to toll, turn out of such road, or pass any gate thereon, on land adjacent thereto and enter again upon said road, shall for each offence, be liable to a fine not to exceed ten dollars to be recovered in the name of, and for the benefit of said Company in any Court having jurisdiction thereof.

Power of toll gatherers.

Sec. 17. If any person shall wilfully and maliciously obstruct, break, injure, or destroy said road, or any part, thereof, or any work, building or fixture, attached to, or in use upon the same belonging to said Company, such person so offending, shall for every such offence be liable for the recovery of damages by the Company, and shall also be subject to indictment; and upon conviction shall be punished by fine and imprisonment or either at the discretion of the Court.

Penalty for obstructing road.

Sec. 18. The Directors of said Company shall audit and pay all accounts, give and receive all such receipts and discharges of debts, as shall be deemed best for the interests of said company, fix the compensation of all officers and agents they may appoint, establish such By-Laws respecting the duties of such officers and agents, regulate the travel on said road declare and pay dividends of the surplus profits of said Company, which may accrue on the shares of said Stock, to the Stockholders of said Company, at least once in each year.

Accounts how audited.

Sec. 19. This act shall be favorably construed to effect the purposes hereby intended, and the same is hereby declared to be a public act.

Sec. 20. This act shall be in force, and take effect from and after its passage.

Approved, March 19, 1853.

An Act to amend an Act entitled "an Act to incorporate the Southern Wisconsin Railroad Company.

Chap. 99.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Route of road.

SECTION 1. Section eleven of the act entitled "An Act to incorporate the Southern Wisconsin Railroad Company," is hereby so amended as to read as follows, viz : The said Company shall have power to locate and construct a single or double track railroad from Milton, and therefor may commence on the easterly bank of Rock river, in the village of Janesville, in the county of Rock, running westerly through the counties of Rock, Green, La Fayette and Grant to the Mississippi river, and shall have power to operate the same and to transport, take, and carry property and persons upon the same by power and force of steam, of animals, or of any mechanical or other power, or by any combination of them, and said company shall also have power to make, construct, and erect all such side tracks, turnouts, connecting tracks, and switches, and also all such warehouses, toll houses, machine shops, carriages, cars, houses and other buildings, works, and appendages, as may be necessary for the convenience of the company for the use of said railroad, and also to connect said railroad and connecting tracks thereof with the road of the Galena and Southern Wisconsin Railroad Company at the State line, and with other Railroads and branch Railroads in this State, and may consolidate the capital stock of said Southern Wisconsin Railroad Company with the capital stock of any railroad company with which the roads of the said companies shall connect or intersect, and shall have full power to place the roads of the companies and the Capital Stock so consolidated under the direction of a joint Board of Directors, of not less than nine nor more than fifteen, to be chosen on such terms as the Directors of the companies consolidating their capital stock shall agree upon : *Provided*, That nothing herein contained shall interfere with any contract made by the said

Southern Wisconsin Railroad Company with any other company or person, for the construction of any portion of the road of the Southern Wisconsin Railroad Company.

Sec. 2. The said Company, before opening their road through enclosed ground, shall erect such fencing as shall preserve such enclosure entire, and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of the said road, through all such enclosed ground and shall maintain the same. Shall fence the road.

Sec. 3. This act shall be printed immediately after its passage, and when so printed shall take effect and be in force.

Approved March 19, 1853.

An Act to Incorporate a Company to construct a Plank Road from Howard in Brown County to Kaukana in Outagamie County.

Chap. 100.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That Otto Tank, Daniel W. Bromley, Eli P. Royce, Joel S. Fisk, Uriel H. Peak, Oscar Gray, Linus B. Brainard, Jonathan Wheelock, Joseph C. Stewart, George W. Lawe and Charles Tuller, and such other persons as shall associate with them, and become Stockholders pursuant to the provisions of this Act, shall be and are hereby created and made a body corporate and politic, in fact and in name, by the name and style of the "Fort Howard and Kaukana Plank Road Company," with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation, to wit:—They shall be capable in law of purchasing and conveying estate either real, personal or mixed, and in their corporate name may sue and be sued, may have and use a common seal, which they may alter at pleasure, and generally may do all and singular the matters and things which they are authorized by law to do for the interest and well being of said Company, Corporation.

Sec. 2. The persons named in the first section of this act, or a majority of them shall be Commissioners to open books and receive subscriptions to the Capital Stock of said Company, at such times and places as they may deem expedient, and whenever the amount of five thousand dollars of such Capitol Stock shall be subscribed for, and distributed, and five per cent paid thereon, said Commissioners shall call a meeting of the Stockholders of said Com- Shall open books.

Proviso.

**Directors how
chosen, and
powers of.**

**Commission-
ers to act if
directors are
chosen.**

pany, by giving at least twenty days notice thereof in one or more newspapers published in the counties of Brown and Outagamie, for the purpose of electing nine Directors of said Company, who shall immediately proceed to elect one of their number President, and annually thereafter, the said Stockholders shall meet on the second Monday in April, for the purpose of electing Directors as aforesaid, on a like notice to be given by the President and Secretary, in such newspaper as they may deem proper; *Provided*, That if from any cause an election shall not be held, at any other time, on like notice as aforesaid, and that until such election, the Directors of the preceding year shall continue to act, and this Charter shall not become void by reason of any irregularity in or want of such election, and in case of a vacancy in the Board of Directors, the same may be filled by appointment of a majority of the Board until the next annual election thereafter.

Sec. 3. The business of said Company shall be managed by a Board of nine Directors, who shall be Stockholders. The Directors shall be chosen annually by ballot of the Stockholders of said Company, and shall serve until others are elected in their stead. The vote may be given in person or by proxy duly authorized. The Directors shall make such By-Laws, Rules and Regulations, not inconsistent with the Constitution and Laws of this State, as may be necessary for the well ordering of the affairs of said Company, and a majority of said Directors shall form a quorum for the transaction of business for the Company. In the absence of the President of the Board of Directors the Board may appoint a President pro tem. The Board shall also appoint a Secretary, Treasurer, Engineer, and such other officers as they may deem necessary, and fix their compensation, and may demand adequate security for the performance of their respective duties. They shall have full power to decide the time and manner in which said Stockholders shall pay the money or labor due on their respective shares, not exceeding twenty per cent. at any one installment, and to forfeit to the use of the said Company the share or shares of every person failing to pay any instalment at a reasonable period, not less than thirty days after the time appointed for the payment thereof. The Commissioners, until the Directors are chosen, shall do and perform all and singular the duties and trusts imposed by this Act upon the Directors of said Company. They shall appoint a Chairman, Secretary and Treasurer, the Chairman to be one of their own number; and until

the Directors are appointed according to the provisions herein contained, they shall in fact constitute a Board of Directors for the Company, with like powers as are herein conferred upon the said Board of Directors.

The said Commissioners shall issue certificates to the Stockholders for the number of shares such Stockholders may have subscribed for or may hold in said Company; the certificates to be signed by the Secretary and countersigned by the Chairman, and to be subject to all the payments due and to become due thereon, which Stock shall be transferable in such manner as shall be prescribed by the By-Laws of said Company.

Sec. 4. The Capitol Stock of said Company shall be thirty thousand dollars, and shall be divided into shares of twenty-five dollars each; each Stockholder shall be entitled to one vote for each and every share of stock he or she may hold, and any person may subscribe to pay his or her shares in labor or materials upon said road, under the supervision and direction and at the discretion of the Board of Directors; *Provided* always, That five per cent. in cash be paid on making such subscription to the stock of said Company. Capitol stock.

Sec. 5. The said Company shall have power to construct a Plank Road, or a road partly of Plank and partly of Gravel, or other good and substantial material, from the village of Fort Howard in the County of Brown, to the village of Kaukauna in the County Outagamie, on the west side of Fox River, with the privilege of connecting by agreement with other Companies, with any other Plank Road, or roads with which it may intersect; *Provided*, That the said Directors shall have power to construct said road along and upon any highway now or hereafter laid out and established by the proper authorities, and of such width as the said Directors shall determine, upon such terms as may be agreed upon by and between the said Company and the Supervisors of the town where said public road is located, but the surface or arch of said road shall in all places be of sufficient width for two teams to pass conveniently, though it shall be at the option of the Directors, wherever the said road shall be constructed of Plank, to lay down one or two tracks, as they may deem best for the interest of the Company. Material of road. Proviso.

Sec. 6. It shall be lawful for said Company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, May take land.

and when the said route shall be determined or fixed by the Company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, at any time to enter upon and take possession of, and use such land for the width of four rods, and also to take from any land adjoining said road, gravel, stone, earth or timber, for the purpose of constructing or repairing said road, and so, however, to such compensation as the Company has agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided.

Sec. 7. Whenever it shall be necessary for said company to enter upon and occupy, for the purpose of constructing said road, any land upon which the same may be located, or to take from such land or the land adjoining said road, any gravel, stone, earth or timber for the purposes of said road, and the owner or owners of the land shall refuse to permit such entry, occupation or taking, and the parties cannot agree upon the compensation to be made for the injury to be done to such land for such entry, occupation or taking, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damages, who shall be sworn fairly and impartially to estimate the same, and who shall reside in the County where the land lies. The expenses of such appraisal shall be paid by the Company; but if the parties cannot agree upon such persons, or if the persons thus appointed cannot decide upon the matter, or if the owner of the land refuse or neglect to join in such appointment, twenty days after notice for that purpose upon him or if such owner shall be under a legal disability, or if the State, then and in either of such cases, it shall be lawful for the judge of the Circuit Court of the county in which such lands lie, upon application of either party, at the cost and charges of the Company, to appoint one or more persons, who he shall appoint, three disinterested persons of the county to view the lands and estimate the damages sustained by reason of the entry, occupation or taking as aforesaid; *Provided*, That notice be given in some newspaper published in the county, at least ten days before such view and estimate be made. The said appraisers shall as early as practicable, report under oath to the Circuit Court of the County, the amount of damages sustained by any party by reason of such entry as aforesaid, which report being confirmed by the court, judgment shall be rendered therefor. The said appraisers shall be paid each two dollars per day for their services.

Power of company in taking land, gravel, &c.

Proviso.

by the Company; in all cases where said damages exceed the amount offered by said Company previous to the appraisal, or to be paid by the other party when the sum awarded does not exceed the sum offered for damages by the Company. The said appraisers shall in all cases take into the account, in awarding damages, the benefits accruing to the person claiming damages in consequence of the building of said road. Upon the payment to the owners of said lands, of the sum specified in the report of said appraisers, or upon depositing the said sum with the Clerk of the Circuit Court of the county where said lands are situated, for the benefit of said owners, the said Company may immediately enter upon, occupy, or take from said lands as herein before provided.

Sec. 8. The said Company may erect toll gates, and demand and receive toll from all persons traveling on the said road, whenever three consecutive miles are finished, or when the whole road is finished. The tolls on said road shall not exceed the following rates per mile, to wit: For every vehicle, sled, sleigh or carriage, drawn by one animal, one cent; if drawn by two animals, two cents, and if drawn by more than two animals, one cent per mile for each additional animal; for every horse and rider or led animal, one cent per mile; for every score of neat cattle, four cents per mile; for every score of sheep, one cent per mile, and for every score of swine, one cent per mile. Toll gates may be erected.

Sec. 9. Each toll gatherer may detain and prevent from passing any gate on said road, all persons riding, leading or driving animals or carriages subject to tolls, until they shall have paid, respectively, as authorized by this act, and any person who shall forcibly or fraudulently pass any toll gate created on said road, pursuant to this Act, without having paid the legal toll, and any person who to avoid the payment of legal toll, shall, with his carriage or horse, or other vehicle, or animal or animals, liable to toll, turn out of such road or pass any gate thereon on land adjacent thereto, and enter again upon said road, shall for each offence be liable to a fine not to exceed ten dollars, to be recovered in any Court having Jurisdiction thereof. Power of toll gatherers.

Sec. 10. If any person shall wilfully and maliciously obstruct, break, injure, or destroy, said road, or any part thereof, or any work, building or fixture attached to, or in use upon the same, belonging to said Company, such person, so offending, shall for every such offence be liable for the recovery of damages by the Company, and shall also Damage for obstructing road.

be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either at the discretion of the Court.

Increase of
capital stock.

Sec. 11. The Directors of said Company, or a majority in amount of said Stockholders, may at any meeting of said Company, called for that purpose, provide for such increase of the Capital Stock of said Company as may be deemed necessary; *Provided*, That the capital stock of said Company shall in no case exceed the sum of fifty thousand dollars; and *provided further*, That such increase of Capital shall be necessary to complete said road.

Sec. 12. This Act shall be favorably construed to effect the purposes hereby intended, and the same is hereby declared to be a public Act.

Approved, March 19, 1853.

An Act to authorize Delos Davis and his associates to construct a feeder to
Black Creek

Chap. 101. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Delos Davis and his associates and assigns are hereby authorized and empowered to construct and maintain a feeder or race from the Mecan river to Black Creek, in sections seven (7), eight (8), and nine (9), in Township No. sixteen (16), north of range No. eleven (11) east, in the county of Marquette, upon the line upon which a race has been commenced, for the purpose of taking as much water from the said Mecan river as may be necessary for the use of such machinery as they may erect on said Black river: *Provided*, Said feeder or race shall not be more than ten feet wide, and shall not be constructed across any lands belonging to any person or persons without the consent of the owner.

Sec. 2. This act shall take effect from and after its passage.

Approved March 22, 1853.

An Act to vacate a part of the plat of the Town and Village of Manitowoc,
in the County of Manitowoc.

Chap. 102.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part of the plat of the town and village of Manitowoc, in the county of Manitowoc, known

as Lot No. six (6), in Section No. nineteen (19), Township No. (19), north of range No. twenty-four (24), east of the fourth principal meridian, is hereby vacated and excluded from the corporate limits of the said village of Manitowoc, and shall not hereafter be liable to pay tax in said village.

Approved March 22, 1853.

An Act to amend an act providing for a Special Election of certain officers in the counties of Washington and Ozaukee, and for transcribing records of Washington County.

Chap. 103.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The notices of the special elections provided to be held on the first Monday in May next in the county of Washington, may be given by Christian Young, residing in the town of West Bend in the said County, and that notices of the special election provided to be held in the County of Ozaukee at the same time, may be given by Charles H. Miller, residing in the town of Port Washington, in the said County of Ozaukee.

Sec. 2. That in case of the neglect or refusal of the Sheriff of the former County of Washington to give notice of said election as provided by the acts to which this is amendatory, such refusal or neglect shall not in any wise invalidate such elections, but the same shall be as valid in all respects as if the Sheriff had given such notice.

Sec. 3. That the acts referred to in the title hereof, together with this act, and the notices of election provided in said act, shall be published immediately in the "Washington County Blade," printed in the town of Port Washington, in Ozaukee County, and that such publication shall be sufficient notice of the passage of said act, and of the elections directed therein.

Approved March 22, 1853.

An Act to incorporate the Milwaukee Hotel Company.

Chap. 104.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. James H. Rogers, John Lockwood, E. B. Dickerman, A. Finch, Jr., Charles H. Wheeler, Anson Eldred, Daniel Wells Jr., D. A. J. Upham, and S. Park Coon, be and they are hereby appointed Commissioners

Commissioners.

under the direction of a majority of whom subscriptions may be received to the Capital Stock of the Milwaukee Hotel Company, hereby incorporated, and they may cause books to be opened at such time and place as a majority shall direct, for the purpose of receiving subscriptions to the Capital Stock of said Company, first giving five days notice of the time and place of taking such subscription in one or more daily papers published in the city of Milwaukee.

Capital stock.

Sec. 2. The Capital Stock of said Company shall be one hundred thousand dollars, in shares of fifty dollars each, and as soon as one thousand shares or more of stock shall be subscribed and five per centum paid thereon, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are declared and created a body corporate and politic by the name and style of the Milwaukee Hotel Company, with perpetual succession, and by that name shall have all the privileges, franchises [and] immunities incident to a corporation; they shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places; they shall be capable of purchasing, holding, selling, leasing and conveying estate, personal, and mixed, as far as may be necessary and proper for the construction, management and usefulness of a first class Hotel in the city of Milwaukee; they may have a common seal which they may alter or renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said Corporation.

Directors shall manage affairs of company.

Sec. 3. The affairs of said company shall be managed by a board of five Directors, who shall be chosen by ballot, each share of stock being entitled to one vote, the votes to be delivered in person or by proxy duly authorized; which Directors shall appoint one of their number President, and for the purpose of electing the first Directors, the said Commissioners or a majority of them, after the stock shall have been subscribed, as provided in the second section of this act, shall give ten days notice in one or more newspapers published in the city of Milwaukee, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing Directors, and annually thereafter on the second Monday of January the stockholders shall meet for electing Direc-

tors as aforesaid: *Provided*, That none but stockholders shall be elected Directors.

Sec. 4. A majority of said Board of Directors shall constitute a quorum for the transaction of business; they shall have power to make and establish such by-laws, rules orders and regulations as may be necessary for the management of the affairs of said company, to make such covenants, contracts and agreements with any person or persons, copartnership or body politic whatever, as they may deem expedient and for the interest of the company.

Majority a quorum.

Sec. 5. If from any cause an election for Directors shall not be held at the time specified therefor, the same may be held at any other time, upon ten days notice being published as aforesaid, and until such election the Directors of the preceding year shall continue to act, and this Charter shall not be voided by reason of any irregularity or want of such election, and in case of vacancy from the death or resignation of any Director, his place may be filled by the Board of Directors.

When regular election for directors is not held.

Sec. 6. The Stockholders of said corporation shall be individually liable for all the debts of said company, to the extent of the stock owned by them respectively: *Provided*, That no suit shall be maintained against any such stockholder for any debt due by said corporation until an execution therefor shall have been issued against said corporation and returned unsatisfied in whole or in part.

Stock holders liable.

Sec. 7. The said company are hereby authorized, in their corporate capacity, to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and make and execute in their corporate name all necessary writings, notes, bonds, or other papers, and make execute and deliver such securities in amount and kind as may be deemed expedient by said corporation for all purposes necessary in carrying out the objects of said company, and the official acts of said company are declared binding in law and equity upon said corporation and upon all other parties to such contracts.

May borrow money.

Sec. 8. This act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State shall be received as evidence thereof.

Approved March 22, 1853.

Chap. 105.

An Act authorizing the City of Kenosha to aid in the construction of the Kenosha and Beloit Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Common
council em-
powered to
issue bonds.

SECTION 1. That the Common Council of the city of Kenosha be and hereby is authorized and empowered to issue the corporate bonds of said city to the Kenosha and Beloit Railroad Company, for the payment of a sum not exceeding one hundred and fifty thousand dollars; such bonds shall be transferable either by endorsement or delivery, and shall be made payable at a period not exceeding twenty years, with interest payable semi-annually at such place as shall be fixed by said Common Council, at a rate not exceeding seven per centum per annum.

Action upon
the execution
of bond.

Sec. 2. Upon the execution and delivery of the bonds mentioned in the preceding section, the Kenosha and Beloit Railroad Company shall execute to the city of Kenosha a bond secured by mortgage upon the Railroad to be constructed by said company, together with its lands, tenements, equipments, and appurtenances, or such part thereof as shall be agreed upon, which bond and mortgage shall correspond in amount and terms of payment with the city bonds to be issued by the Common Council of the city of Kenosha in pursuance of this act. The bond and mortgage so executed by said Railroad Company, shall be subject to such other lien or mortgage as may be executed by said Railroad Company for an amount not exceeding one half of the cost of said Railroad, its equipments and appurtenances, and which shall constitute a first lien upon said road its equipments and appurtenances, without regard to the priority of the date or record of the same.

Credit of city
pledged for
payment of
principal and
interest.

Sec. 3. The bond and mortgage executed by said Railroad Company to said city of Kenosha, and the interest thereon, as well as the faith and credit of said city, are hereby irrevocably pledged for the payment of the interest and principal of said city bonds issued in pursuance of the first section of this act; and the Common Council of said city, whenever necessary, shall levy a tax upon the taxable property of said city, sufficient, with the interest received from said Railroad Company upon its bond and mortgage, to pay the interest upon said city bonds, as the same shall fall due.

Levy a tax.

Sec. 4. No such bonds shall be issued under the provisions of this act, unless a majority of the legal voters of

said city, voting upon said question at an election called for that purpose shall vote in favor thereof. At such election, those voting in favor shall vote a ballot containing the words "For the Railroad," and those voting against shall vote a ballot containing the words "Against the Railroad." Notice of the times and places of holding such election shall be published at least one week in one or more of the newspapers published in said city, and said election shall be conducted and the votes canvassed and returned in the same manner as at other city elections.

Bonds—when issued.

Form of ballot.

Notice of time and place of election to be published.

Sec. 5. This act shall take effect from and after its passage.

Approved March 22, 1853.

An Act to authorize the Supervisors of a certain town to discontinue a road therein named.

Chap. 106.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Supervisors of the town of Caledonia in the County of Racine, are hereby authorized to discontinue such portion of the Racine and Prairieville Territorial road, lying within said town as they shall judge expedient for the public good.

Sec. 2. This act shall take effect immediately.

Approved, March 22, 1853.

An Act to Incorporate the "Wisconsin Lumbermens Fire and Marine Insurance Company."

Chap. 107.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Insurance Company to be called the "Wisconsin Lumbermens Fire and Marine Insurance Company," shall be established in the village of Madison with a Capital Stock of one hundred thousand Dollars, which may be increased at the will of the Stockholders to any amount not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each, to be Subscribed and paid for by individuals, companies, or corporations in the manner hereinafter specified.

Sec. 2. Daniel S. Smith, Alexander L. Collions, George P. Delaplaine, N. W. Dean, Franklin G. Tibbets or any three of them are hereby constituted and appointed com-

Commissioners shall o books.

missioners to open books in the village of Madison for Subscription for the Capital Stock of said Company on the first Monday of May A. D. 1853, and to keep said books open, every day from ten o'clock A. M. to three o'clock P. M. for the space of five days, when the same shall be closed. If within the said five days, five hundred shares shall have been Subscribed for, it shall be lawful for the Subscribers to meet after five days notice by publication in some newspaper in the village of Madison, and choose their Directors, who may at any time after ten days public notice given, cause the subscription books to be opened and to be continued open until the whole amount of Stock shall have been taken.

Shall be a
body cor-
porate.

Sec. 3. The Subscribers for the Stock of the Company as aforesaid, their associates, successors and assignees shall be and they are hereby ordained constituted and declared a body corporate and politic by the name and style of the "Wisconsin Lumbermen's Fire and marine Insurance Company," and by that name they and their successors shall have perpetual succession and shall be capable in law and in equity of contracting and being contracted with, of suing, and being sued, of impleading and being impleaded, of answering and being answered unto, of defending and being defended against in all courts and places whatsoever, in all manner of actions and causes, suits and complaints, and they and their successors may have and use a common seal, which may be changed or altered at pleasure.

Payment of
stock.

Sec. 4. The payment of the Stock Subscribed shall be made and completed by the Subscribers respectively at the time and in the manner following that is to say; after the election of the Directors, and before the Company shall go into operation, there shall be paid ten per cent, that is to say ten dollars upon each share and the ballance upon each share shall be subject to the call of the Directors; and the said Company shall not be authorized to make any policy or contract of insurance, until the whole amount of shares Subscribed shall be actually paid, or satisfactorily secured to be paid on demand, by approved notes, by Hypothecated Stocks, or by mortgages on real estate.

Power of com-
pany.

Sec. 5. The Corporation hereby created shall have full power and authority to make all kinds of insurance against losses by fire and the perils of the Ocean on goods, wares and Merchandize and property in course of transportation, whether happening on land or on water, to make all kinds of Insurance upon lives, and to make such other Insurance upon Ships, Steam Boats and other vessels and their car-

gors, goods wares and Merchandize, produce, gold and silver bullion and coin, also of lumber whether shipped by rafts floating or by other means of transportation, to lend money upon respondentia and bottomry, to lend their surplus or unimployed money and Capital on interest at a rate not exceeding ten per centum per annum, also said Company shall have full power to buy and sell foreign and inland bills of exchange, to insure and guarantee the payment of promissory notes, bills of exchange and other monied obligations at the time they become due, to fix the premiums of such Insurance, and in the event of the Company paying such notes, bills of exchange or other monied obligations in and by virtue of their Insurance and guarantee thereof, said Company shall become subrogated and in fact entitled to all the rights which said person or persons to whom said notes, bills and other monied obligations belonged at the time the same are insured and guaranteed by the said Company, and said Company shall have full power to enforce the payment of the same in all courts of justice both of law and equity to all intents and purposes as if said notes bills and other monied obligations were made payable to the said Company; said Company shall at all times when deemed prudent by them, cause themselves to be insured against losses by fire, maratime and other risks, and upon any interest which they may have in any vessel, Ship or Stearn Boat, their cargoes, goods, wares and Merchandize in virtue of any loans they may have made on bottomry or respondentia or in virtue of any guarantee of any monied obligation, note or bills of exchange against all losses, it may incur by reasons of any Insurance by said Company whether by fire the perils of the Ocean or seas, or inland navigation and transportation.

Sec. 6. The Stock and affairs of said Company shall be managed and centrold by a board of five Directors, whoshall be Stockholders and at least three of whom shall be residents of the State. They shall after the first year be elected on the first Monday of April in each and every year at the office of the Company in the village of Madison, and at such hours as the Directors for the time being, shall appoint and shall hold their office for twelve Morths until their successors be elected, ten days public notice of such election, shall be given by publication, said election shall be held under the direction of three Stockholders appointed by the Directors and shall be made by ballot by a plurality of the Stockholders present, allowing one vote

Affairs to be managed by a board of directors.

for every share, and Stockholders not personally present may vote by proxy, made in writing, directed to the person representing them in said election.

In case that it should happen at any time, that an election of Directors should not be made on any day when pursuant to this act it ought to have been made, the said Corporation shall not for that cause be deemed dissolved but it shall and may be lawful, on any other day, to make and hold an election of Directors in such manner as shall be regulated by the By-Laws and Ordinances of the said Company.

Directors to
choose a presi-
dent.

Sec. 7. The Directors chosen regularly by the Stockholders of said Company, shall as soon as may be, after every annual election proceed to choose out of their body one person to be President, who shall preside until the next annual election thereafter, or in case of the death or resignation of the President, or any Director, the vacancy may be filled by the board of Directors and in case of the absence of the President the board of Directors shall have power to appoint a President pro tem pore, who shall have all the powers, and perform all the duties of the President regularly chosen.

To pass by-
laws and ordi-
nances.

Sec. 8. The Directors may, by the By-Laws or Ordinances of said Company, direct what number of Directors shall constitute a board, and be competent for the transaction of the business of the Company as a Corporation, and they shall have power subject to the by-laws to appoint from their own body one or more persons to act, or assist in the performance of the business of the Company with such salaries and allowances as they may think proper, and also to appoint a Secretary and such clerks, and other agents and servants as they may deem expedient, said Company shall have power to make an agency or agencies not exceeding five in number to be located in this or any of the United States which said agencies shall be conducted and conform strictly to this act and the laws and regulations governing said Company, said agencies shall confine themselves strictly to the business of Insurance under the powers herein granted to the said Company and shall be established managed and conducted under the direction of the Directors of the said Company, a majority of the stockholders shall first agree to the creation of said agency or agencies, after which the same shall be under the direction of the Directors of said Company, said Company shall have full power to declare and make dividends of the profits of the business arising from the Company

and make and prescribe such By-Laws, rules and regulations for the government and interest of the Company, and that a majority of the Directors shall be necessary to make such by-laws.

Sec. 9. The Stock of said Company shall be considered ^{Stock to be} personal property and shall be assignable and transferable, ^{personal prop-} according to such rules and restrictions, as the board of Directors shall from time to time make and establish subject however always to the laws of this State as the same now exists or as the same may be changed.

Sec. 10. It shall be lawful for the said Company to ^{May hold real} purchase and hold such real estate, as may be convenient ^{estate.} for the use of its business not exceeding twenty thousand dollars worth, also take and hold any real estate as a security, lien, or mortgage to secure the payment of debts due to said Company either for shares of capital stock, or otherwise, also to purchase real estate at any sale made in virtue of any judgment at law, or decree in equity made in favor of said Company to receive and take in satisfaction of any debt due said Company, any real estate and hold the same to the use of the Company so long as the interests of the Company may be promoted by holding the same, said Company shall not however employ any part of its Capital Stock in purchasing or selling goods, chattles wares and merchandize.

Sec. 11. All policies or contracts of Insurance which ^{Policies, how} may be made by said Company shall be subscribed by ^{made.} the President, or the President pro tempore and by such other officers as shall be designated for that purpose by the By-Laws, and attested by the Secretary, and being so signed and attested shall be binding on the Company, according to the tenor and interest, true interest and meaning of such policies, and policies and contracts may be made, signed and delivered without the presurce of the Directors if done by the proper officers of said Company having power and authority by the By-Laws to do and perform such acts for the Company.

Sec. 12. This act shall be and is hereby declaired to be a public act, and the same shall be construed as such. This act shall take effect and be in force from and after its passage thereof and shall continue in force and effect for the term of twenty five years to be renewed or discontinued after that time.

Sec. 13. After the expiration of the term for which this Company is created, said Company shall still have

power to use its Corporate name and style in the full adjustment and settlement of its business to all intents and purposes.

Approved, March 22, 1853.

Chap. 108.

An Act to authorize James S. Alban to keep and maintain a Ferry across the Wisconsin River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. James S. Alban, his heirs, executors, administrators and assigns, shall have, and hereby have granted to him and them, the exclusive right of keeping and maintaining a Ferry, for the period of ten years, across the Wisconsin River at any point on sections twenty-three, twenty-five and twenty-six ; Township twenty-three, North of Range Seven, East, in the County of Portage.

Sec. 2. The said Ferry shall be subject to such regulations as other ferries are or may be by law, and the proprietor or proprietors thereof, shall be entitled to receive for crossing any vehicle drawn by two horses, or one yoke of oxen, fifty cents, for each additional horse or ox, fifteen cents ; for a man and horse, twenty-five cents ; for foot passengers, ten cents each ; for cattle and horses in droves, ten cents each, and hogs and sheep, three cents per head ; for one horse and vehicle, twenty-five cents.

Sec. 3. Any further Legislature may alter, amend or repeal this act.

Approved, March 22, 1853.

Chap. 109.

An Act authorizing the commissioners of School and University Lands, to make a certain remittance on the contract with Ira T. Shue.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The commissioners of the School and University Lands are hereby authorized to make the same remittance to Bennett Wooster, the present owner of that portion of the University lands known as Lot No. 6, in Township No. 1, Range fourteen East, which they would have been required to make, had the original agreement been made in his own name.

Sec. 2. This act shall take effect from and after its passage.

Approved, March 22, 1853.

An Act to amend the Charter of the City of Kenosha.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 110.

SECTION 1. Section three of the act to incorporate the Aldermen, city of Kenosha, Approved, April 8th, 1850, is hereby so amended as to provide for the election of two Aldermen in each ward.

Sec. 2. Section four of said act is hereby so amended Justices and as to limit the number of Jusices of the Peace, hereafter assessors. to be elected, to two, and to reduce the number of Assessors to one, who shall be elected by the city at large.

Sec. 3. The term of all Aldermen hereafter elected, Term of officers. shall be two years, and of Justices of the Peace, two years, except as hereinafter provided: The terms of three Aldermen, (one from each ward) and of one Justice, elected at the first election, under this act, viz: the first Tuesday of April, A. D. 1853, shall continue but one year, the matter to be determined by lot at the first meeting of the city council, and if any of said Aldermen, or Justices are absent from said first meeting, the city clerk shall draw the lots for the absentees. Thereafter one Alderman shall be elected annually in each ward, and one Justice of the Peace annually, in the city at large, and their terms shall be two years.

Sec. 4. Each ward of the city shall be entitled to one Representative in the County Board of Superqisors, as provided by Statute in the case of towns. The Mayor shall be ex-officio, a connty Supervisor for the ward in which he resides, and two Aldermen, one from each of the other two wards, shall be annually chosen by the city council, to act as County Supervisors, and as such, they are hereby empowered to meet with, and act in the County Board of Supervisors, in the same manner, and with the same rights and powers as are or may be by law prescribed and exercised by other members of said county Board.

Sec. 5. The Mayor and Council shall constitute the Mayor entitled city Council, and the Mayor shall be entitled to vote on to vote. all questions before said Council.

Sec. 6. All the duties heretofore required to be performed by the several ward assessors, are hereby conferred upon, and required to be done by the city assessor, whose election is provided for by section two of this act.

Sec. 7. Returns of all unpaid taxes, for all purposes whatsoever, in the city, shall annually be made by the city Treasurer, to the county Treasurer in the same man-

Annual re-
turn of un-
paid taxes.

Special taxes,
how levied &
collected.

ner, and at the same time as provided by statute, in the case of unpaid town taxes.

Sec. 8. The city council shall have power to levy and collect special taxes for any purpose, (aside from what may be specially provided for in the city charter) which may be considered essential to promote or secure the common interest of the city, or may borrow on the corporate credit of the city, for such purposes, any sum of money, for any term of time, at any rate of interest not exceeding ten per centum, and payable at any place that may be deemed expedient. Bonds or scrip may be issued therefor under the seal of the corporation, and the resources and credit of the city pledged for the repayment of the sums so borrowed with the interest on the same. All such moneys shall be expended under the direction of the city council. But no such tax shall be levied, or money borrowed, except in accordance with the provision of Section forty-four of the city charter, and in all cases when questions under this section are submitted to qualified voters, the amount and object of the proposed tax or loan shall be specifically stated to be voted upon. Taxes for any of the objects here contemplated shall be levied exclusively upon all the lots and lands in said city, not exempt from taxation by laws of this State or United States, and not including or estimating any improvements made thereon.

Sec. 9. In all special assessments for planking, grading, graveling or paving side-walks, for grading, paving or otherwise improving streets, and for constructing sewers, the city council shall have power to equalize the tax according to the relative benefit accruing to each tract, lot, or parcel of land assessed.

Sec. 10. Section one of the act amendatory of the original city charter, approved, March 8th, 1850, is hereby amended so as to make it lawful for the city council to levy and collect the tax therein provided for, on the application by petition of a majority of the owners of real estate. Section seven of said act is hereby repealed.

Sec. 11. Section thirty-seven of the act to incorporate the city of Kenosha, is hereby so amended as to make it obligatory upon the city council to determine and levy the amount of taxes for city purposes, on or before the first Monday in August of each year, and section eight is so amended as to require the assessor to make his returns on or before the first Monday of July, of each year.

Sec. 12. The board of inspectors for city elections shall

be constituted as provided by the Revised Statutes in the case of general elections.

Sec. 13. Amendatory acts of the city charter, approved, February 11th, 1851, March 11th, 1851, and March 19th, 1852, are hereby repealed, together with all parts of the original charter, approved February 8th, 1850, as are inconsistent with, or in any way contravening the provisions of this act. Acts repealed.

Sec. 14. This act shall take effect, and be in force from and after its passage.

Approved, March 23, 1853.

An Act to incorporate the Mercantile Insurance Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 111.

SECTION 1. That all such persons as do become Stockholders in the Capital Stock hereinafter mentioned, their successors and assigns shall be and are hereby constituted and made a body politic and corporate, by the name and style of the Mercantile Insurance Company." Corporators.
The office of said Company shall be at Beaver Dam in the County of Dodge, in this State.

Sec. 2. The Capital Stock of said Company shall not exceed Five Hundred Thousand Dollars, and shall be divided into shares of One Hundred Dollars each, and there shall be paid into the Treasury of said Company by each subscriber to the Capital Stock at the time of subscription, an installment of one dollar on each share of Stock by him subscribed; the remainder to be paid or to be secured to be paid on real estate, or in such other manner as the Commissioners hereinafter mentioned shall deem satisfactory, and until two hundred shares of the Stock is subscribed for in manner aforesaid, said Company shall not commence business. Capital stock.

Sec. 3. The Stock property and affairs of said Corporation shall be managed and conducted by a Board of not more than ten or less than three Directors, (the number to be determined by the Stockholders at their first election) and such officers, clerks and agents, and other persons as said Directors may appoint from time to time; that immediately after two hundred shares of the stock shall be subscribed in manner aforesaid, the Commissioners hereinafter named shall call a meeting of the Stockholders of said Company upon such notice to them as they shall Board of directors.

deem proper, for the purpose of electing a Board of Directors for said Corporation, and at such time as may be appointed by said Commissioners or a majority of them, there shall be elected such number of Directors as may be fixed by the Stockholders, as aforesaid, and they shall hold their offices for one year, and until others are elected; and said Commissioners shall act as inspectors of such Election, and annually thereafter, at such time as may be designated by the Board of Directors, there shall be an election of Directors for the ensuing year. The mode and manner of all such annual elections to be determined and agreed upon by the said Board of Directors then in office. That the Directors shall be elected by a plurality of the votes of the Stockholders present at said elections and their proxies, allowing one vote for every share of Stock subscribed.

Officers.

Sec. 4. It shall be the duty of the Directors on organizing, and annually thereafter, to choose from their number a President, and they may in the same manner elect a Vice-President and Secretary. The Vice-President's duty shall be to perform all the duties of the President in case of his absence or inability.

Commissioners.

Sec. 5. James Ludington, George Smith, S. L. Rose, John M. Loomis, Henry W. Finch, shall be the Commissioners to receive subscriptions to the Capital Stock of said Company, and in case there shall be any deaths or resignations from the Commissioners above appointed, then the remainder shall appoint others to fill the vacancies.

Powers of company.

Sec. 6. The said Company shall have power to make insurance upon Vessels, Freight, Goods, Wares, Merchandize, Specie, Jewels, Bank Notes, Bills of Exchange, and other evidences of debt, bottomry, respondentia interests, and to make all and every insurance connected with marine risks, and the risks of transportation and inland navigation; also, upon Dwelling Houses, Stores, and all kinds of buildings, household furniture, merchandize, and all other property, against loss and damage by fire or storm, and insure the same, and also, and every insurance appertaining or connected with Life insurance, or health insurance, and to cause themselves to be insured when deemed expedient, against any risk or risks on which they have or may make insurance.

Policies, how made.

Sec. 7. All policies of Insurance or other contracts authorized by this Act which may be made and entered into by this Corporation, may be with or without seal thereof, and shall be subscribed by the President or Vice-Pres-

sident, and attested by the Secretary, and being so signed, executed and attested, shall be binding and obligatory upon said Corporation.

Sec. 8. It shall and may be lawful for the said Company to take and hold any real estate or securities, mortgage or pledge, to the said Company, to secure the payment of any debt which may be contracted by or with said Company, and to foreclose the same, and to purchase on sale thereof, and to purchase on sale made by virtue of any judgment at law or by order or decree, of any Court of Equity or any other proceeding, or otherwise to purchase, receive and take any real estate or personal estate, in payment or towards satisfaction of any debt personally contracted and due to said Company, and to hold and improve the same until they can conveniently sell and convert the same into money, or other property, personal or real, and also to invest the Capital Stock or so much of the surplus profits of the said Company as they may deem fit, in such manner as the Directors shall decide, and call in and reinvest the same so often as it shall be deemed necessary for the interest of said Company; *Provided*, always, That said Company shall not be allowed to charge or receive a greater rate of interest than is now allowed by the laws of this State. May hold real estate.

Sec. 9. The Capital Stock of the said Corporation shall be transferable according to the rules and regulations prescribed by the Directors, and every subscriber of any share or shares of said Stock, who shall neglect for thirty days after having been duly notified to pay the installment aforesaid, or to secure the residue of the shares by him subscribed, shall forfeit the same to the Company, and all payments made thereon, and all profits that may have accrued thereon. Capital stock how transferable.

Sec. 10. It shall be lawful for the Directors of said Corporation to make a dividend of so much of the profits of said Company as shall appear advisable, but the dividend shall not at any time exceed the amount of clear profits made by the Company, but the Capital Stock shall be and remain unimpaired, and if the said Directors shall at any time knowingly make a dividend of the Capital aforesaid, they shall be individually liable for the proportion of the proportion of the Stock so divided, and an action of debt may be brought against them or any of them in any Court of record in this State, by any creditor of said Company, and each individual present when such dividend shall be made, shall be adjudged consenting thereto, Dividends.

unless he forthwith protests against such dividend, and request his protest to be entered on the minutes of the Company, and give further notice to the Stockholders of the declaring of such dividend, by advertising his said protest within ten days thereafter, in a newspaper published in the English language and circulated in the county of Milwaukee.

Shall have
seal.

Sec. 11. The said Corporation shall have power to adopt a corporate seal and to change the same at pleasure, and shall be capable of suing and being sued, in both law and equity Courts, and the Board of Directors thereof shall have power to adopt a code of by-laws not inconsistent with the Constitution and laws of the land, for the government of said Company.

Sec. 12. Nothing contained in this Act shall be construed to authorize the issuing of evidences of debt in the similitude of Bank paper for purposes of circulation.

Approved, March 23, 1853.

An Act incorporating the Milwaukee Academy.

Chap. 112. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Corporators.

SECTION 1. That J. J. Miter, Lester Sexton, William H. Byron, Jason Downer, G. J. Fowler, E. B. Dickeman, Henry P. Peck, James B. Martin, Ashael Finch, jr., Arthur McArthur, Abram E. Dixon, David M. Richardson, and their associates, together with such persons as may hereafter be associated with them, be, and are hereby created a body corporate and politic, with perpetual succession, to be styled by the name and title of "The Milwaukee Academy," by which name they and their successors shall be ever known, and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended, in all Courts of Law and Equity.

Said Corporation shall have a common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and to sell and convey the same, rent, or otherwise lawfully dispose of at pleasure.

Shares of
stock.

Sec. 2. The Stock of said Company shall be divided into Shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the Books of said Corporation in such manner as shall be directed by the by-laws of said Corporation.

Sec. 3. Any five of the above named persons shall have power to call a meeting of said association by giving seven days notice thereof, by posting up notices in at least three public places in the City of Milwaukee, where said Corporation is hereby located. Notice of meeting.

Sec. 4. At the first legally notified meeting the Stockholders shall have power to elect by ballot nine Trustees, three of whom shall be elected for one year, three for two years, and three for three for three years; and after the first election three trustees may be elected annually; Provided always, That all trustees shall hold their offices until others are elected in their place. Trustees.

Sec. 5. At all elections and meetings of the Company each Stockholder shall be entitled to one vote for each share of Stock owned by him. Who are voters.

Sec. 6. The Trustees shall have power to elect from their number a President, Secretary and Treasurer, also, to elect all other officers of the Corporation, to call special meetings of the Stockholders to fill vacancies in the Board of Trustees. To sell, lease, mortgage, or otherwise dispose of any real or personal property of said Corporation, in such manner as shall be directed by the Stockholders; also, to erect and keep in repair all necessary buildings for the use of said Corporation; to employ suitable teachers, and to give direction as to the course of study and discipline to be observed in the Academy, and generally to manage the business and funds of said Corporation, and to make all rules, regulations and by-laws necessary to carry into effect the powers herein granted, and not inconsistent with the Constitution and laws of this State. Officers, powers of.

Sec. 7. This Act may be amended or altered by any future Legislature.

Approved, March 23, 1853.

An Act authorizing the town of Beloit to aid in the construction of a certain Railroad from the City of Kenosha to the village of Beloit.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 113.

SECTION 1. The Board of Supervisors of the town of Beloit are hereby authorized to subscribe for the town of Beloit one hundred thousand dollars to the Capital Stock of a Railroad Company authorized to construct a Railroad from the city of Kenosha to the village of Beloit, and to pay for the same in the bonds of said town, payable in Supervisors may subscribe stock.

twenty years, with interest payable annually in the City of New York, not exceeding seven per cent.

Stock pledged. Sec. 2. The shares of Stock in said Railroad Company thus taken by said town, and all dividends arising from the same, are hereby irrevocably pledged for the payment of the interest and principal of said bonds; Provided, however, That the Board of Supervisors of said town may sell such shares: but the proceeds thereof, and interest, shall still be pledged to pay the interest and principal of said bonds.

May levy tax.] Sec. 3. The Board of Supervisors of the town of Beloit whenever the same shall become necessary, shall annually levy a tax upon the taxable property of said town, sufficient to pay the interest upon such bonds, after deducting the dividends due to such town on said shares of stock.

Rail road commissioners. Sec. 4. The Board of Supervisors of said town shall annually appoint one Railroad Commissioner, who shall attend the annual or special meetings of the Stockholders of said Railroad Company, for the election of Directors thereof, and shall be entitled to cast one vote for every share of Stock which said town shall hold in said Railroad Company, and in case of his absence or inability to attend, they shall appoint, in writing under their hands, some other person who shall have the same power.

Majority of voters required to issue bonds. Sec. 5. No bonds shall be issued in pursuance of the provisions of this Act, until a majority of the legal voters of said town, voting upon said question, shall vote in favor of the same, at an election called by the Board of Supervisors for that purpose, to be held in the village of Beloit. At such election those voting in favor shall vote a ballot with the words inscribed thereon, "For the Railroad;" and those voting against shall vote a ballot with the words inscribed thereon, "Against the Railroad." One week's previous notice of said election shall be given in a public newspaper printed in the village of Beloit, and this Act shall be published in connection therewith; said election shall be conducted, and the returns thereof made and canvassed in the same manner as at the annual town meetings of the said town.

Sec. 6. This act shall take effect, from and after its passage.

Approved, March 23, 1853.

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An Act to provide for the erection of County buildings in the County of Ozaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows : Chap. 114.

SECTION 1. That Simeon D. Powers, Milo M. Whedan, and Daniel M. Miller, be and they are hereby appointed Commissioners for the location of the site and for the erection of County Buildings for the said County of Ozaukee, as established by an Act entitled "An Act for the division of the County of Washington, and they erection of the County of Ozaukee." Approved, March 4, 1853.

Sec. 2. That it shall be the duty of the said Commissioners, as soon as convenient after the passage of this Act, and before the first day of June next, to select some suitable ground for a jail, jailors house and court house in the village of Port Washington in the said County of Ozaukee, and to acquire the title thereof to said County, by purchase or gift. Their duties.

Sec. 3. That it shall be the duty of said Commissioners, within the time aforesaid, to make or procure suitable plans and specifications for the said buildings, and as soon as practicable after the acquisition of the necessary land, as before provided, to advertize and let to the lowest bidder, by contract to be secured to their satisfaction, the work of constructing the said County buildings and the materials therefor, to be completed within fifteen months from the passage of this Act.

Sec. 4. That the whole cost of said land and buildings shall not exceed eight thousand dollars.

Sec. 5. That as soon as the said Commissioners shall have ascertained the cost of said land and County buildings, and shall have made a contract as aforesaid, it shall be their duty to notify the Chairman of the Board of Supervisors, in writing, of the said County, who shall thereupon as soon as convenient, and within one month after such notice, cause a meeting of the said Board of Supervisors to be held. That thereupon it shall be the duty of the said Board of Supervisors to provide money for the payment of the cost of such land and buildings according to the contract of the said Commissioners, or at the option of the said board of supervisors to issue the bonds of the said County of Ozaukee for the said amount, payable in not exceeding five years, and at a rate of interest not exceeding eight per cent., payable semi-annually, to be signed by the Chairman of the said Board of Supervisors,

counter signed by the Clerk thereof, with the seal of the said County affixed.

Clerk of board of supervisors, duty of. Sec. 6. That it shall be the duty of the Clerk of the said Board of Supervisors to pay out such money or deliver such bonds, as the case may be, from time to time to the said Commissioners or to their order, as the said Commissioners shall require; and the said Commissioners may sell such bonds or pay the same to the person or persons so as aforesaid contracting with them, as they may deem best and find practicable, and shall pay the amount from time to time to the contractor according to the terms of the said contract, and account for the same to said Board of Supervisors in writing.

Compensation of commissioners. Sec. 7. That a majority of the said Commissioners may perform all the duties and exercise all the powers herein provided, in case of the neglect or refusal or dissent of the other; and that the said Commissioners shall receive a compensation for their services at the rate of one dollar and a half per day for their time actually spent, aside from their expenses, to be paid by the said Board of Supervisors.

Sec. 8. All acts and parts of acts heretofore passed by the legislature contravening the provisions of this act are hereby repealed.

Sec. 9. This act shall take effect as soon as passed.

Approved, March 23, 1853.

An Act to incorporate the Winnebago Lake Insurance Company.

Chap. 115. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Corporation. SECTION 1. That all such persons as shall become Stockholders in the Company hereby incorporated, their successors and assigns shall be and are hereby constituted and made a body politic and corporate by the name and style of the Winebago Lake Insurance Company, the office of which Company shall be kept in the city of Fond du Lac, and by that name said Company shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatever, and may have a corporate seal and alter and change the same at pleasure, and generally may do and perform all matters and things pertaining to a corporation.

Sec. 2. The Capital Stock of said Company shall not

exceed the sum of three hundred thousand dollars, and shall be divided into shares of fifty dollars each, and there shall be paid into the treasury of said Corporation by each subscriber to the Capital Stock, at the time of subscription, an installment of five per cent. on the Stock by him subscribed, the remainder to be paid or amply secured to be paid, on real estate or otherwise as the Directors or Commissioners hereinafter mentioned shall deem sufficient, and until one thousand shares of said Stock is subscribed for and paid or secured to be paid as aforesaid, said Company shall not commence business.

Sec. 3. The Stock, property and affairs of said Corporation shall be managed and conducted by six Directors who shall divide themselves into classes of two each. The term of the first class shall expire on the first Monday of January succeeding their election, or as soon thereafter as others shall be elected in their stead; the term of the following classes shall expire successively on the first Monday of January of the following year, or as soon thereafter as others shall be elected to fill their places. The annual election of two Directors shall be held on the first Monday of January annually, at such time and place in the City of Fond du Lac as a majority of the Directors shall appoint, of which notice shall be given in some newspaper printed in the City of Fond du Lac at least two weeks previous to said election; said election shall be conducted under the direction of the Stockholders to be appointed by the Directors for that purpose, and the Directors shall be elected by plurality of the votes of the Stockholders and their proxies allowing one vote for every share of Stock.

Sec. 4. It shall be the duty of the Directors on organizing the Company, and annually thereafter, to choose a President and Secretary, the former of whom shall be a Director, and the latter a Stockholder in said Company; and they are hereby authorized to fill any vacancies occurring in these offices, and also to adopt such rules and regulations as they may deem proper, provided, they shall not be in violation of the Constitution and laws of this State.

Sec. 5. Benjamin F. Moon, Thos. S. Wright, John Se- well, John A. Eastman, John C. Truesdell and Noyes A. Darling, shall be Commissioners to receive subscriptions to the Capital Stock of said Company; and when said Capital Stock shall be subscribed to the amount of twenty thousand dollars or more, and five per cent. paid thereon,

the Commissioners shall call a meeting of the Stockholders, by an advertisement published at least two weeks previously in some newspaper published in the City of Fond du Lac, stating the time and place when such meeting shall be held; at which time and place the Stockholders so assembled, personally or by proxy shall by ballot elect the first Directors of said Company, and at such election the said Commissioners shall act as inspectors of said election, and in case of vacancies in said Board of Commissioners, from death, resignation or removal from the county of Fond du Lac, the Commissioners are hereby authorized to fill all vacancies.

Power of company. Sec. 6. The said Company shall have power to make insurance upon vessels, freights, goods, wares and merchandise, specie, jewels, bank notes, bills of exchange, and other evidences of debt, and to make every insurance connected with marine risks and the risks of transportation, and inland navigation; also, upon dwelling houses, stores, and all kinds of buildings, household furniture and other property, against loss or damage by fire or storm, and also all and every insurance appertaining to or connected with life insurance, and to cause themselves to be insured whenever deemed expedient.

Policies, how attested. Sec. 7. All policies of Insurance, or other contracts authorized by this act, which shall be made or entered into by this Corporation, may be with or without the seal thereof, and shall be signed by the President, and attested by the Secretary; and being so signed, executed and attested shall be binding and obligatory upon said Corporation.

May hold real estate. Sec. 8. It shall and may be lawful for the said Corporation to take and hold any real estate or securities, mortgaged or pledged to said Company to secure the payment of any debt which may be contracted by or with said Company, and to foreclose the same, and to purchase on sales made by virtue of any judgment at law or by order or decree of any Court of equity, or any other legal proceedings, or otherwise to receive and take any real or personal estate in payment or towards satisfaction of any debt previously contracted and due to the said Company, and to hold the same until they can conveniently sell and convert the same into money or other personal property, and to invest the Capital Stock, or so much of the profits of the Company as they may deem fit, in such manner as the Directors may decide, and call in and re-invest and use the same in such manner as they shall deem for the best

interests of said Company. But it is expressly provided that said Company shall never issue or put in circulation any bills, bonds, notes, or any evidences of debt whatever for banking purposes.

Sec. 9. The Capital Stock of said Company shall be transferable according to the rules and regulations prescribed by the Directors; and any subscriber of any share or shares of Stock, who shall neglect to pay the installments aforesaid, or to secure the residue of the share or shares by him subscribed, according to the regulations adopted by the Directors, shall forfeit the same to the corporation and all payments and all profits that may have been made, or which shall have accrued thereon. Stock, how transferable.

Sec. 10. It shall and may be lawful for the Directors of said Company to make a dividend of so much of the profits of said Company as shall appear advisable, but the dividend shall not at any time exceed the amount of clear profits made by the Company; but the Capital Stock shall be and remain unimpaired; and if the Directors shall at any time knowingly make a dividend of the Capital Stock aforesaid, they shall be individually liable for the proportion of Stock so divided, and an action of debt may be brought against them, or any of them, in any Court of record in this State, by any creditor of said Company; and each Director present when any dividend of Stock shall be declared shall be adjudged as consenting thereto, unless he shall forthwith protest against such dividend and request his protest to be entered on the minutes of the Company, and give further notice to the Stockholders of the declaring of such dividend, by advertising his said protest within ten days thereafter in a newspaper published in said city of Fond du Lac. Dividends.

Sec. 11. This Act shall take effect and be in force from and after its passage.

Approved, March 23, 1853.

An Act to authorize the city of Milwaukee to aid in the construction of the water works in said city.

Chap. 116.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Mayor and Common Council of the city of Milwaukee, are hereby authorized to loan the credit of said city, by issuing its bonds, to an amount not exceeding in the aggregate, seventy five thousand dollars, Common council may loan money.

to the "Lake Hydraulic Company," incorporated April 5, 1852, for the purpose of furnishing water to said city and its inhabitants from Lake Michigan.

**Bonds, how
attested.**

Sec. 2. Said bonds shall be signed by the Mayor and countersigned by the clerk of said city, under the corporate seal thereof; and shall be in sums of one thousand dollars each, for a term not less than ten no more than twenty years, and shall bear interest at a rate not exceeding seven per cent per annum, payable semi-annually.

**Security of
company.**

Sec. 3. Before the issue or delivery of said bonds or any portion thereof, the said "Lake Hydraulic Company" shall execute and deliver to the said city, for the benefit thereof, the bond of the said Company, executed under the authority of its board of Directors, signed by their President and countersigned by their Secretary under the Corporate seal of said Company in the penal sum of one hundred and fifty thousand dollars, with the condition and covenants that said Company shall punctually pay and discharge, the principal and interest monies of such and every of said bonds, and shall fully indemnify and save harmless the said city, against all payments, liabilities issues, damages and expenses which it may incur or sustain in consequence of the issue and delivery of said bonds.

Mortgage.

Sec. 4. To secure the performance of the covenants and condition of such bond, said Company shall, at the same time execute and deliver to said city, in due form of law, a mortgage of the property of said Company, as well that thereafter to be acquired or that already in possession, including real-estate, fixtures, machinery, water pipes and reservoirs, and shall give such further and additional security as the common council may require, which other and additional security, said common council may from time to time at its direction surrender or discharge in whole or in part.

Sec. 5. Said bonds shall not be issued or delivered except by virtue of an ordinance to be duly passed by a vote of a majority of the alderman of said city at a regular meeting of the common council.

**This act to be
submitted to
the voters.**

Sec. 6. This act shall not take effect, until the same shall have been submitted to the legal voters of the city of Milwaukee at an election to be ordered for that purpose by the common council of said city, of which at last two weeks notice shall be given by the publication thereof in the daily newspaper of said city, such election shall be held at the usual places of holding election in said city, and said election shall be conducted, and the votes return-

ed and canvassed in the same manner as at other city elections, at such election, the voters shall be by ballot, on which shall be written or printed the words "For the water loan" or the words, "against the water loan," and if the majority of all the votes cast on that subject, shall be "for the water loan," this act shall be in force, and not otherwise.

Approved, March 23, 1853.

An Act to authorize the Counties and Towns through which the Mineral Point Railroad passes to aid in its construction.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 117.

SECTION 1. It shall be lawful for any County through any portion of which any part of the Mineral Point Railroad shall run, or any town or incorporated city or village in such county, to issue and deliver to said Company its bonds, payable to such person or persons, trustees or corporation or to said Company, at such time, for such sum or sums, at such rate of interest, transferable by general or special endorsement, or by delivery, and in such manner as may be agreed upon by and between the Directors of said Railroad Company, and the proper officers of such county, town, incorporate city, or village, as hereinafter provided; and to receive in exchange for such bonds the Stock or bonds of said Railroad Company, in such manner as shall be agreed upon by and between the Directors of said Railroad Company and the proper officers of such county, town, incorporated city or village, as hereinafter provided; but no such bonds shall be issued or delivered to said Company, by any such county, town, incorporated city or village, unless a majority of the legal voters of such county, town, incorporated city or village, voting on the question, shall first have voted in favor of such issue in the manner hereinafter prescribed.

County or towns may issue bonds.

Sec. 2. It shall be lawful for the Mineral Point Railroad Company to issue its bonds payable to the Treasurer of the State and his successors in office, or to bearer, in sums of one thousand dollars each, which shall not exceed in the aggregate ten thousand dollars per mile of the whole of the surveyed line of the said Railroad, and bearing an interest not exceeding the rate of ten per centum per annum, payable at such place, and at such time, not exceeding twenty years from their date, as said Company shall

Railroad company may issue bonds.

elect, with a provision making them transferable by general or special endorsement, or by delivery, and all such bonds which shall be delivered to any such county, town, incorporated city or village, in exchange as aforesaid, shall contain a stipulation guaranteeing the payment of the principal and interest, which shall become due and payable, on the bonds of said county, town incorporated city or village, received in exchange therefor by said Company; and to secure the payment of such bonds and interest, it shall also be lawful for the said Company to execute and deliver to the Treasurer of the State and his successors in office, in trust for the use and benefit of the holders of any and all of said bonds, a deed of conveyance, to be called a second mortgage of all the present and future to be acquired property of said Company, in the whole of said Railroad, including the right of way, and land occupied by said road, together with the superstruction and tracks thereon, and all rails and other materials used thereon, bridges, viaducts, culverts, fences, equipments, depots, grounds and buildings thereon, engines, tenders, cars, tools, materials, machinery, fixtures, and all other personal property; which said second mortgage shall be taken, deemed and held, to be subject and subsidiary to another deed of conveyance to be called a first mortgage of all the aforesaid property; which said first mortgage, whether it shall have been executed prior or subsequent to said second mortgage, in point of time, shall constitute the first lien upon said Railroad and all of the aforesaid property; but said first mortgage shall not be issued to secure the payment of bonds to a greater amount than ten thousand dollars per mile, of the whole length of said road, nor bearing a rate of interest greater than at the rate of ten per centum per annum; and whenever such record mortgage shall be delivered to the Treasurer of the State, and recorded in the office of the Secretary of State, it shall constitute a perfect and indefeasible lien upon said Railroad, and upon all the property described in it, subject only to the prior lien created by said first mortgage; *Provided*, That the provisions of this Act shall not apply to LaFayette county or any town or incorporated village therein; and *provided also*, that the provisions of this act shall not apply to the county of Green or to any town therein.

Sec. 3. Whenever the said Railroad Company shall desire to exchange any amount of its Stock or bonds for the bonds of any such county, town or incorporated city

or village, it shall make and deliver to the Clerk of the Board of Supervisors of such county, the town clerk, or Clerk of such incorporated city or village, as the case may be, a definite proposition in writing, signed by the President and Secretary, of said Railroad Company, and sealed with the Common Seal of said Company; which proposition shall contain a distinct statement of the amount of the Stock or of the bonds of said Company, which the said Company propose to issue to such county, town or incorporated city or village, the time when said bonds shall be payable, the amount for which they shall respectively be issued, the rate of interest which they bear, and it shall also contain a distinct statement of the amount of the bonds of such county, town, or incorporated city or village, which the said company propose to receive in exchange for its stock or bonds as aforesaid, specifying the person or persons, trustee or corporation to whom they shall be payable, the mode of transfer, the amount of each bond, and the aggregate amount, the rate of interest, and the time of payment. Upon receiving such definite proposition, the Clerk of the Board of Supervisors of such county, the town Clerk or Clerk of such incorporated city or village, as the case may be, shall immediately call a meeting of the Board of Supervisors of such county, town, incorporated city or village, to take into consideration the propositions of said company, when, if deemed expedient, the said Board shall publish or cause to be published, a notice of an election to be held by the legal voters of such county, town, incorporated city or village, at the usual place or places of holding elections in such county, town, incorporated city or village, and at such time as he may designate, which shall not be less than twenty nor more than thirty days from date of such notice; which notice shall contain a full statement of the proposition, made by said Railroad Company, with reference to the exchange of its stock or bonds for the bonds of such county, town, incorporated city or village, and shall call upon the voters to deposite a ballot upon which shall be written or printed the words "For the Railroad proposition," or the words "against the Railroad proposition," or other words tantamount thereto.

How bonds of company shall be exchanged.

Sec. 4. Such election shall be held and conducted in the same manner that other general elections in such counties, towns, incorporated cities or villages, are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in

Election how held.

the same manner as the votes at any such general election, and the canvassers shall make, certify, sign and deposit with the Clerk of such county, town, incorporated city or village, a statement of the whole number of votes cast upon the question, as well as a statement of the number for the Railroad proposition, and of the number against the Railroad proposition, and such certificate shall be conclusive evidence of the fact as to the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law.

Election how decided.

Sec. 5. If a majority of the legal voters who shall vote on the question at any election to be held in any such county, town, incorporated city or village, in pursuance of the provisions of this act, shall, as indicated by the official returns of any such election, vote "For the Railroad proposition," it shall be the duty of the proper officers in every such county, town, incorporated city or village, upon receiving from the Directors of said Railroad Company, stock or bonds in conformity with the proposition of said Railroad Company, to issue and deliver to the Directors of said Railroad Company, the bonds of such county, town, incorporated city or village in conformity with said proposition.

Proper officers for giving this act effect.

Sec. 6. For the purpose of giving effect to the provisions of this act, the proper officers of every county, town, incorporated city and village, mentioned in this act are hereby declared to be the Chairman of the county Board of Supervisors, and the Clerk of the Board of Supervisors in each county, the Chairman of the Board of Supervisors and the town clerk in each town, the Mayor and city Clerk of such incorporated city, and the President and Clerk of each incorporated village; and all bonds issued by any of the said counties, incorporated cities or villages, shall be signed by the proper officers as aforesaid, of the said counties, cities and villages, under their corporate seals respectively, and all bonds issued by any such town, shall be signed by the proper officers of such town, and have annexed to them the official certificate of the Clerk of the county Board of Supervisors, under his official seal, that they are such officers, and that their signatures are genuine.

Bonds may be issued.

Sec. 7. Every county, town, incorporated city or village which by the provisions of this act is authorized to issue any bonds, shall be severally liable in law, faithfully, promptly, and at maturity, to pay and discharge the

principal and interest, due upon every such bond, and the separate faith of every such county, town, incorporated city or village, shall by the issue of said bond be irrevocably, inviolably pledged for the prompt discharge of every such liability; and every such county, town, incorporated city or village, shall annually levy a tax on all its taxable property, for the payment of the annual interest on all bonds, which it may issue in accordance with the provisions of this act, in addition to all other taxes, equal in amount to the amount of the annual interest on all the bonds which it may issue as aforesaid.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved, March 23, 1853.

An Act to Incorporate the City of Oshkosh.

Chap. 118.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Sec. 1. That from and after the first Tuesday in April next, the following described district of country to wit:—
Commencing at a point in the middle of Fox River, where the north line of Section twenty three, township eighteen north, of range sixteen east, crosses said river, and running thence east on said line to the north east, corner of the north west quarter of section twenty-four, in said town and range, thence south on the quarter post line to where Merritt Street, as laid down in the recorded plat of the village of Oshkosh, meets said quarter post line, thence east to Lake Winnebago, thence around the shore of said Lake to the middle of the mouth of Fox River, and thence up the middle of said river to the place of beginning.—
Then commencing again at a point in the middle of said river, where the north and south quarter post line, running through the center of section twenty six, in said town and range above named, crosses said river, and running thence south to the center of said section twenty six, thence east to said Lake, thence around the shore of said Lake to the middle of the mouth of Fox River, and thence up the middle of said river to the place of beginning shall be known and designated as the "city of Oshkosh," and by that name shall be capable of contracting, and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts and places, and in all matters whatever, and shall

Boundaries of city.

be competent to exercise all the rights and privileges and be subject to all the duties and obligations appertaining to a municipal Corporation.

Wards.

Sec. 2. The said city shall be divided into three wards, the boundaries of which, for the present, and until changed, as hereinafter provided, shall be as follows, to wit: All that part lying west of Ferry street, on the north side of Fox river, shall constitute the First Ward. All that part lying east of Ferry street, on the north side of Fox river, shall constitute the Second Ward; and all that part lying south of Fox river, shall constitute the Third Ward. But the common council shall have power to change said lines of divisions as they may deem convenient and proper.

Officers.

Sec. 3. The government of said city, and the exercise of its corporate powers, and management of its fiscal, prudential and municipal concerns, shall be vested in a mayor and common council, and such other officers as are hereinafter provided for. The said council shall consist of six aldermen; two from each ward, who are actually residing therein, and shall be denominated the "common council."

Election when held,

And how conducted.

Sec. 4. On the first Tuesday of April next, and annually thereafter, on the day fixed by law for the election of town officers in the several towns in the State, there shall be elected in said city, one mayor, one marshal, one clerk, one superintendent of schools, one treasurer, two aldermen in each ward, one assessor in each ward, one constable in each ward, who shall hold their offices for one year, and until their successors are elected and qualified. There shall also be elected, at the time and place for electing other city officers, and every two years thereafter, one justice of the peace in each ward, who shall hold his office for two years, and until his successor is elected and qualified, the same as justices of the peace elected under the provisions of the Revised Statutes.

Sec. 5. The first election of city officers under this act, shall be held at the court house in the village of Oshkosh, and the board of supervisors of the town of Oshkosh, shall be the inspectors of such election. For all subsequent elections, there shall be a poll opened for each ward, at such place as the common council shall designate, and the two aldermen and the assessor of each ward shall be the inspectors of the election in such ward.—Such board of ward inspectors shall proceed in all matters relating to the conducting of such election, and the can-

vassing of votes, according to the provisions of Revised Statutes, in relation to town elections. The aldermen, justice of the peace, assessor, and constable for each ward, shall be elected by the electors of such wards exclusively; and the mayor, marshal, inspector of schools, clerk and treasurer shall be elected by general ticket, by the electors of the whole city. After the polls are closed, the inspectors in each ward shall proceed forthwith to canvass the ballots; they shall be governed in all respects, the same as town inspectors. After the ballots are counted, they shall certify under their hands and seals, the names of persons, (and the offices for which the votes were cast,) written at full length, who are elected to ward offices, and appoint one of their number who shall deposit such certificate in the office of the city clerk, who shall file the same. And also on a separate certificate, which shall be carefully sealed up, the number of votes cast, and for whom, written as above, and shall appoint one of their number to present such certificate to the city clerk, immediately, and the persons so appointed, in connection with the mayor and said city clerk shall on the first Wednesday following the election, after being duly sworn, proceed to open such certificates, and canvass the votes, and determine who are duly elected officer of said city, on general ticket, and shall certify to the same, under their hands and seals, which certificate shall be filed in the office of the city clerk. He shall proceed to notify such persons of their election the same as town clerks are required to notify officers elected.

Sec. 6. All officers created by virtue of this act, shall be qualified electors within the city limits, and each ward officer shall reside in the ward for which he is elected; and no person shall hold any office, either by election or appointment, unless he is a qualified elector agreeable to the laws of this State. The city treasurer, before entering upon the duties of his office, shall execute to the city council a bond, in such penal sum as said city council may direct, with one or more sureties, to be by them approved, for the safe keeping and disbursement of all moneys coming into his hands as such treasurer, and also for the faithful performance of his official duties. And each justice of the peace, superintendent and constable elected by virtue hereof, before entering upon the duties of his office, shall execute such bonds as are prescribed by law for said officers in towns, which bonds shall be approved by the city council; and the marshal elected by virtue

Qualification
of officers.

hereof, shall also be required to give bonds with such sureties, and in such sum as said city council shall determine; and all officers elected or appointed by virtue of this act, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation to support the constitution of the United States, and of the State of Wisconsin, and faithfully perform the duties of their respective offices, which oath or affirmation, together with all official bonds, shall be filed in the clerk's office.

**Duties of
Mayor.**

Sec. 7. The mayor shall be chief executive officer, and head of the police of the city. It shall be his duty to recommend in writing, to the city council, such measures as he may deem expedient. He shall keep the seal of said city, sign all communications, licenses and permits, which may be granted by the city council. He shall endeavor to maintain peace and good order, and see that the laws of the State, and the ordinances of the city are observed and executed. He shall have power to administer oaths or affirmations, and to take and certify to the acknowledgement of deeds, or other instruments, in writing. As a judicial officer he shall have power, and by giving bonds as required by law, may exercise the jurisdiction of a justice of the peace, and to prevent or suppress riots or other public disturbances; he may appoint as many special constables as he may think proper.

**Council to
elect President.**

Sec. 8. The members of the city council shall, on the first Monday after their election, or as soon thereafter as may be practicable, assemble, and elect from their own body, a president to preside at all their meetings in the absence of the mayor; and a majority of the members shall be a quorum for the transaction of business; each member shall be entitled to one vote. The mayor shall preside at all their meetings, if present, and shall have the casting vote, and no other. In case a vacancy in the office of mayor, or his being unable to perform the duties of his office by temporary absence or sickness, the president of the city council, shall be vested with all the powers, and perform all the duties of mayor, until the mayor shall resume his office, or the vacancy is filled by a new election.

**Council may
punish disorderly conduct.**

Sec. 9. The city council shall have power to preserve order and propriety in its meetings, and to punish in a summary manner, by fine and imprisonment all disorderly or disrespectful conduct in its presence, and also to compel by pecuniary penalties, the attendance of its members. They shall determine the rules of their proceedings, and

keep a journal thereof, which shall be open to the inspection of any citizen at all reasonable times and hours, and prescribe the time, and fix the place of holding their meetings, which shall at all times be open to the public.

Sec. 10. The mayor, each of the aldermen, marshal, ^{Officers of the} or deputy marshal, each and every justice of the peace, ^{peace.} and constable of said city, shall be officers of the peace, and suppress in a summary manner, all rioting and disorderly behavior, in a manner consistent with the ordinances of said city, or the laws of this State, within the limits of said city, and for such purpose, may command the assistance of all bystanders, and, if need be, of all citizens, and military companies; and if any such bystanders, military officers, or private of such company, shall refuse to aid in maintaining the peace, when so required, such person shall forfeit and pay such fine as may be prescribed by ordinance of the city council, or the laws of the State, in such case made and provided.

Sec. 11. The marshal shall possess all the powers of a constable of towns, and be subject to the same liabilities. ^{Duties of Marshal.} It shall be his duty to execute all writs, and process, to him directed by the mayor, and when necessary, in criminal cases, or for a violation of any ordinance of said city, or laws of this State, may pursue and serve the same in any part of the State of Wisconsin. It shall be his duty to suppress all riots, disturbances, and breaches of the peace, to apprehend any person in the act of committing any offence against any ordinance of said city, or laws of this State, and forthwith bring such person before some competent authority, for examination; and for such service, he shall receive such fees as are allowed to constables for like services. He shall have the power to appoint one or more deputies to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Sec. 12. All justices of the peace, and constables, ^{City justices.} elected by virtue of this act, shall have and exercise the same powers and duties, and be subject to the same liabilities and regulations, as justices and constables in towns.

Sec. 13. The superintendent of schools, shall have and ^{Sup't. of} exercise the same powers and duties, and be subject to the ^{schools.} same liabilities as the superintendent of schools in towns, except as herein otherwise provided.

Sec. 14. The clerk shall attend the meetings of the,

**Duties of
clerk.**

common council, and keep a record of their proceedings and also a faithful record of all the doings and votes of the inhabitants, at their regular or special meetings. He shall perform such duties as may be lawfully required of him by the common council, who shall fix and prescribe his compensation therefor; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor, the same compensation as clerks of towns, and all chattel mortgages so filed, shall be as valid and legal as if the same had been filed in the town clerk's office, in any town. It shall also be his duty to do and perform any act required to be done by the clerk of towns, not inconsistent with the provisions of this act, and in case of the absence of the clerk, or of his inability to act, the common council may appoint a clerk to act during such absence or inability, who shall be subject to all the regulations applicable to the elected clerk. The records kept by said clerk shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the records of the proceedings of the common council, certified by him, under the corporate seal, shall be evidence in all courts, and places.

**Duties of
Treasurer,**

Sec. 15. The Treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this State; all moneys raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture, or otherwise, under the authority of this act, or which belongs to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order signed by the mayor or acting mayor, by order of the common council and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as Treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when and the person from whom the amount of the several sums were received, which book shall at all reasonable times be open to the inspection of any person having business therewith. He shall, as often as the common council require, render to said council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers, and property in his possession belonging to said city. The said Treasurer shall also be collector of taxes, and for this service, except as herein otherwise pro-

vided, he shall have the same powers and be subject to the same liabilities, be governed by the same laws and receive the same compensation as Treasurers of towns.

Sec. 16. The common council shall have power to enact, establish, publish, alter, modify, amend or repeal, and enforce all such rules, by-laws and ordinances for the government and good order of the city, for the suppression of vice, for the prevention of fires, for the promotion of health, and for the benefit of trade and commerce as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate the provisions of such rules, by-laws or ordinances as have been duly passed, adopted, and published in one or more of the papers printed in said city, for three successive weeks prior to the taking effect thereof; and all such rules, by-laws and ordinances are hereby declared to be and have the full force of law: *Provided*, That they be not repugnant to the constitution and laws of the United States and of this State; and for these purposes they shall have authority by ordinance or by-laws:

Powers of
common
council.

1. To license and regulate taverns, groceries, saloons, victualing houses, and all persons dealing in spirituous or intoxicating liquors, and to license and regulate the exhibitions of common showmen, or showmen of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performances, and to establish the price to be paid in all cases except where they may be fixed by law.

2. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing with cards, dice, or other games of chance for the purpose of gain within said city.

3. To prevent riot, noise, disturbances, or disorderly assemblages, to suppress and restrain disorderly houses and groceries, and houses of ill fame, and to authorize the destruction of all implements or devices used for the purpose of gaming.

4. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, privy, sewer, or other unwholesome or nauseous place, to cleanse, remove or abate the same from time to time as often as it may be deemed necessary for the health, comfort or convenience of the inhabitants of the city.

5. To direct the location and management of all slaughter houses and markets; to regulate the storage and keeping of gunpowder and other combustible materials.

6. To prevent the encumbering of the streets, side and cross walks, lanes, alleys, or public grounds, with carriages, carts, waggons, sleighs, sleds, boxes, barrels, lumber, fire-wood, or other materials or substances whatever.

7. To prevent horse racing or immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the city limits.

8. To restrain the running at large of cattle, swine, sheep, horses and poultry, and to authorize the distraining and sale of the same.

9. To prevent the running at large of dogs, and to authorize the destruction in a summary manner when at large contrary to the ordinances of the city, or to impose a tax on the same.

10. To prevent any person from bringing, depositing, or having within said city any putrid carcasses or any unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and in default to authorize the removal thereof by some competent officer at the expense of such person or persons.

11. To make and establish public pounds, pumps, wells, fountains, cisterns and reservoirs, and provide for the erection of water works for the supply of water to the inhabitants of said city, or any ward therein; to erect lamps, and to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen within the limits of said city.

12. To establish and regulate boards of health, provide hospitals and cemeteries, and regulate the burial of the dead and the return bills of mortality, and to exempt burying grounds and property set apart for public use from taxation.

13. To procure fire engines, buckets, hooks and ladders, and other implements for suppressing fires, to prescribe and regulate the materials of which houses may be built within the city limits, and the manner of erecting chimneys, and to provide for removing chimneys or stove-pipes which may be deemed dangerous, at the expense of the owners or occupants thereof; to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared exempt from seizure or distress and sale in any manner; to direct safe constructions for the deposit of ashes; to appoint fire wardens and prescribe their duties and compensation; and

generally to make such prudential regulations as may be deemed necessary for the protection or for arresting the progress and extinguishment of fires.

14. To regulate the building of wharves and bridges, and to provide for the security and protection of the same.

15. To prevent all persons from riding or driving any horse or other animal, or leading the same, on the sidewalks of said city, or in any way doing any damage to such side walks.

16. To prevent the shooting of fire arms or crackers, or the exhibition of fire works in every situation which may be considered by the common council to be dangerous to the property of said city, or any of the inhabitants thereof.

17. To restrain drunkards, immoderate drinking, [obscenity] obscenity in the streets or public places, and provide for arresting, removing, and punishing any person or persons who may be guilty of the same.

18. So regulate the police of the city, to appoint watchmen and firemen, prescribe their duties and punish their delinquencies.

19. To regulate the place and manner of weighing hay, or measuring and selling fire-wood, lumber, timber, stone, lime and sand, and when necessary to appoint suitable persons to superintend or inspect the same.

20. To compel the owner or occupant of any building to remove the snow, dirt, or other rubbish from any sidewalk opposite thereto.

21. To protect trees and monuments in said city.

22. To prevent all persons from depositing in any of the creeks or waters within said city, the carcasses of any animal or filth of any kind, and to punish for so doing.

23. To prescribe and regulate the manner of draining fountains made by individuals, and the construction of sewers within said city.

24. To regulate the compensation of all officers not provided for by law, except their own.

25. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and sidewalks, to keep them from incumbrances and protect them from injury.

26. To provide that the owner or owners of any lots, or in lots within said city of less size than ten acres each, which have not been platted and recorded, shall be designated by some description, with proper metes and bounds, and recorded with the description and bounds, by authority of the board, and to tax the charges of said service

against said lots so described and recorded, to be collected the same as other corporation or general taxes.

27. To have a common seal and to alter the same at pleasure.

28. To purchase, hold, or convey any estate, real or personal, for the use of the corporation.

**Affidavit of
Printer.**

Sec. 17. The affidavit of the printer of the publication of any by-laws or ordinances, or any affidavit of the clerk of the posting up of any notice required by law, shall be sufficient proof in all courts and elsewhere that such ordinances or by-laws were properly published, or such notice properly posted up, as the case may be.

Jurors.

Sec. 18. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant or freeholder within the city of Oshkosh in any action in which the city is a party or interested.

**Suits for vio-
lation of or-
dinances.**

Sec. 19. On all suits for the violation of any ordinance of said city, the process may be by warrant, and it shall be sufficient, without setting forth the special matter, to declare generally in debt, with a reference to the ordinance under which the action is brought; the defendant may plead the general issue, and give special matter in evidence.

Executions.

Sec. 20. Every execution issued upon any judgment for the violation or non-observance of any ordinance or by-law of said city, may contain a clause directing, in the event of the non-payment of the same, the imprisonment of the defendant in the county jail for such term as shall have been provided by the ordinance under which the judgment shall have been rendered; and for that purpose the said city shall have the use of the jail of Winnebago county, and all persons committed to the jail by the Marshal or any other officer, shall be under the charge of the Sheriff of said county. All fines, penalties, and forfeitures, when collected, shall be paid into the city treasury, for the use of the city.

**Process how
served.**

Sec. 21. When an action or suit shall be commenced against the city, the service of the process may be made by leaving an attested copy thereof with the clerk or Mayor, and it shall be the duty of the person with whom such process is left, forthwith to inform the common council thereof, or take such other steps as may have been provided by any rule or regulation of said common council.

Sec. 22. The common council shall settle all just claims and demands against the city, and settle with the

Treasurer annually, and publish accounts of the receipts and expenditures of the city, for the information of the citizens. **Demands how settled.**

Sec. 23. The common council shall have power to appoint, and at their pleasure remove by a vote of a majority of the board present and acting, the following officers, and such others as may be deemed necessary to carry out the powers conferred by this act on said municipal corporation: one Chief Warden of the Fire Department, and as many Assistants as they may deem proper, and such a number of Street Commissioners as said council may from time to time deem expedient, and prescribe their duties and compensation, and to impose and enforce in law such penalties as to the said council may seem proper for malfeasance or improper conduct of any such officers. **What officers common council may remove.**

Sec. 24. If any election provided for in this act shall, for any cause, not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending, or absolving the said corporation, but such election may be held at any time thereafter by order of the common council, of which time ten days public notice shall be given; and further, if any of the duties enjoined by this act at a time herein specified by any ordinance of the city, and not done, the common council may appoint another time upon which the said duties may be done: *Provided*, That the officer so failing to execute such duties at the time required, shall be liable to the same actions, fines and penalties as he would be liable to if the said council had not the power to appoint another time. **When for any cause an election shall not be held.**

Sec. 25. Whenever the office of any person elected under the provisions of this act, by the qualified voters of the city, shall become vacant by reason of death, resignation, removal, refusal or neglect to qualify, or for any other cause whatever, the same may be filled by special election, to be held at such time and place as may be designated by the Mayor or acting Mayor and common council, and the person or persons so elected shall fill the vacancy during the remainder of the term for which his predecessor was elected. **When an office becomes vacant.**

Sec. 26. The common council shall have power to authorize the formation of fire engine, hook and ladder, and hose companies, provide for due and proper regulation of the same, and to disband the same at any time, and prohibit their meeting as such when disbanded, which companies shall be officered and governed by their own by-laws: *Provided*, Such by-laws be not inconsistent **May organize fire companies**

with the laws of this State or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every member of any such company in such city shall be exempt from serving on juries and from military duty, except in case of war, invasion, or insurrection; and whenever a member of a fire, hook and ladder, bucket and hose company shall have served therein ten years, he shall be entitled to a discharge, signed by the Mayor, and shall thereafter be exempt as aforesaid.

May grade,
gravel, pave,
or plank
streets.

Sec. 27. The Common Council shall have power to cause to be graded, graveled, paved or planked, any street or part thereof, or side-walk on any street or part thereof, within said city, and to levy and collect a special tax on the lots and land bounding or abutting on such street or side-walk, in proportion to the front or size of such lots respectively, in addition to the ordinary tax authorized by this act, to be levied and collected in the same manner as annual taxes are collected, and it shall be the duty of the city council to provide by ordinance for the assessing, correction and equalization of such special tax; and the property so assessed shall be liable for the payment of the same: and in case any tax mentioned in this section shall be returned delinquent, the proceeding for the sale of lots or land so returned, shall in all cases be the same as in case of delinquency in the payment of the annual city taxes, with the addition of the like interest, cost and penalty.

May lay out
highways.

Sec. 28. The common council shall have power and authority to lay out new highways, streets, alleys and public walks, and to vacate or alter such highways, streets, alleys, and public walks, as in their opinion shall not be of public utility; to regulate, grade, pave and improve streets, avenues, lanes and alleys, and extend, open and widen the same, and notice of the passage by the city council of any order for laying out, vacating, changing or altering any highway, street, alley or walk, shall be given by publishing notice of said order in some newspaper printed in said city, immediately after the passage of the order; and if any person shall claim damages by reason of laying out, vacating, changing, or altering any highway, street, alley or public walk, and shall file a written notice of such claim with the Clerk of the city, within ninety days after the order for laying out, vacating or altering shall have been made by the common council, the council shall cause the damage, if any, over and above the benefit

accruing thereby to such claimant, to be assessed by arbitrators as herein provided.

Sec. 29. The common council shall, at the expiration of thirty days after the making and entering of any order for the opening and laying out, extending or vacating of any highway, street, alley or public walks, and a notice of damage as provided in section twenty-eight of this act, cause to be summoned six good and lawful electors, not inhabitants of said city, and not directly interested, who being first duly sworn for that purpose, shall take into consideration as well the benefit as the injury which had been sustained by reason of the laying out, opening and extending of any street, avenue, alley or public walk as aforesaid, and shall return their verdict within six days, to the common council, under their hands and seals, which sum found as damages, together with one dollar a day each as a compensation for their services, shall be paid out of the treasury of said city.

Damages for
laying out
streets, &c.,
how assessed.

Sec. 30. The manner of empanneling said arbitrators shall be as follows:—The Mayor or acting Mayor of the city of Oshkosh, in behalf of said city, and the injured party, shall each write down the names of twelve persons qualified electors as aforesaid, on separate pieces of paper, all of which shall be placed in a box, and the said Mayor or acting Mayor, and the injured party, shall each draw alternately three names, and the six persons thus drawn shall comprise said arbitrators, who shall be summoned by the city Marshal to meet at such time and place, within the city limits, as the common council may direct; and in case of the absence, sickness or refusal of any of the arbitrators thus drawn and notified, to attend on the day of hearing, the said parties are to draw in the manner aforesaid, from the remaining twelve names in said box a sufficient number of arbitrators to make up the deficiency.

Arbitrators,
how empan-
nelled.

Sec. 31. There shall be two days labor performed annually on highways, streets and alleys, by each male person, who, by the laws of this State is subject to perform highway work; such person shall perform such labor under the direction of the street commissioner as the common council may appoint; but any such person may, at his option, pay at the rate of seventy-five cents a day for every day he may be so bound to labor, and in default of the payment of such money, or the performance of such labor, the street commissioners, or either of them, may sue for and collect such money in an action of debt, in the name

Labor upon
the highway.

of the city of Oshkosh, with fifty per cent. damages on the same, together with costs of suit, before the Mayor of the city or any Justice of the Peace; and in all such cases the process shall be by warrant, and no stay of execution upon any judgment rendered in such suit shall be taken or allowed.

Expenses of city how paid. Sec. 32. For the discharge of any debt against said city, or any expenditure authorized by the common council, under the provisions of this act, or the ordinances of said city, or to defray the current expenses of said city, the common council shall have power to levy and collect annually a tax, on all such real and personal property or capital of any kind within said city limits, subject to taxation by the laws for levying taxes of this State for the time being; *Provided*, That the whole amount of said annual taxes shall not exceed five mills on the dollar of the assessed value of said property, except as in the next section provided.

Special tax. Sec. 33. Special taxes for purchasing fire engines, or for the purchase of a cemetery, and improving the same, for the burial of the dead, may be voted at any regular or special meeting; but no such vote shall be taken unless said tax be first recommended by the common council, and a notice of the same, specifying the purpose for which the tax is to be raised, and the time and place of voting be published at least three weeks before such meeting in some newspaper printed in said city.

Assessors. Sec. 34. The assessors elected by virtue of this act shall in all things pertaining to the office be governed by the same laws as assessors in towns, except that as soon as they have completed their assessment rolls, they shall return them to the city Clerk.

Assessment rolls—duty of clerk relative thereto. Sec. 35. It shall be the duty of the Clerk annually, upon the receipt of the assessment rolls, to lay the same before the common council for their consideration; and the said common council shall be a Board of equalization, and if they deem it necessary, may make such amendments, corrections, and alterations as will produce an equality of assessment agreeable to the value or comparative value between the several lands; and when so equalized, the said common council may proceed to levy upon the whole amount of such assessment as corrected and equalized, such per centage as a majority of all the Board shall deem necessary for all corporation purposes, for the year for which it is made; *Provided*, That such per centage shall not exceed five mills on a dollar valuation: but no county

or state tax shall be levied by said common council until the assessment shall have been equalized by the county Board, the same as the assessment of towns; and after having been so equalized by the county Board the same rates and regulations shall be observed in laying and collecting said county and state taxes within the city as are applicable to the same in towns.

Sec. 36. It shall be the duty of the Clerk to complete the tax lists of each Ward within such time as shall be prescribed by the common council, and deliver the same together with the warrant of said Board, to the Treasurer for collection, which warrant shall be substantially the same as is required by law of town clerks, and make a record of such delivery in a book where such list shall be recorded, which record shall be conclusive evidence of such delivery; and the taxes so assessed on real estate shall be a lien in preference to any other lien on the estate so taxed until the same shall be paid, together with all legal charges thereon.

Tax list—duty
of clerk.

Sec. 37. Upon the receipt of any tax list by the Treasurer, it shall be his duty to give public notice in a newspaper published in said city, that such tax list (describing for what purpose said tax or taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of ten days then next ensuing said notice, and all persons paying taxes during said time shall be entitled to a discount of two per centum upon the amount paid; if the taxes are not paid within the said time he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, giving at least six days notice of the time and place of such sale, by posting up not less than three written or printed notices in as many public places in the city.

Tax list duty
of treasurer
relative to.

Sec. 38. In case no goods and chattels shall be found out of which to collect the taxes on any lot or lots, or other pieces of land or property, it shall then be his duty to make out a list of all the property and taxes remaining unpaid on the third Monday of January next succeeding the date of his tax warrant, and the list so made out, with his affidavit thereto attached, stating that the taxes therein contained have not been collected, and that he has not been able to find goods and chattels out of which to collect the taxes, shall be called the delinquent list, and it shall be his duty to return the said delinquent list to the Treasurer of the county of Winnebago on or before the

Shall return
delinquent
list.

fourth Monday in January then next following, and he shall at that time pay over to the said Treasurer all moneys then collected by him, belonging to the State of Wisconsin, in the same manner as is required by law of the Treasurer of towns.

Where a person has removed.

Sec. 39. In case any person against whom personal property shall be assessed, shall have removed out of the city of Oshkosh after such assessment was made, and before such tax ought by this act to have been collected, it shall be lawful for such Treasurer to levy and collect the same by distress and sale of goods and chattels of the person so assessed, in any town within the county of Winnebago, to which said goods and chattels may have been removed, or in which he may reside.

First street tax how levied.

Sec. 40. For the purpose of levying the first street or highway tax, the common council of said city shall meet within eighteen days after the day of the first election provided for in this act, at such time and place as the Mayor may appoint, and proceed to assess the same on all the taxable property within the city limits, according to the last assessment roll of the town of Oshkosh, a certified copy of which assessment roll shall be provided by the Clerk of said town and filed in the office of the Clerk of the city. The said council shall cause to be made out separate lists of the names of all persons in each Ward, with a description of each kind of property in such ward, together with the valuation of such property and the amount of such taxes annexed to each such description, and also the amount of poll tax chargeable to each such person, which list, when so made out, shall be filed in the office of the clerk as a record, and it shall be the duty of the Clerk to make a duplicate copy, of each such tax list, and annex thereto his warrant, under his hand and corporate seal, commanding the street commissioner, or commissioners, warning him or them to collect the taxes therein specified, which warrant shall be substantially the same as is required to be made to overseers of highways in towns. The said street commissioners, shall, in all respects, be governed by the same rules and regulations as overseers of highways in towns, except as otherwise provided by the common council; and thereafter in the same manner shall said highway or street taxes be annually levied upon the last assessment roll of the city of Oshkosh.

Sec. 41. From and after the first Tuesday in April 1853, the connection between the city of Oshkosh and the town of Oshkosh, for town purposes, shall be dissolved;

and the duties now or heretofore imposed upon the Supervisors and other officers of the town, so far as they relate to the city of Oshkosh, shall be imposed on the officers of the said city of Oshkosh; and so much of the town of Oshkosh as is not included in the limits of the city of Oshkosh, shall continue to constitute the town of Oshkosh for the purposes of town and county government; and they shall hold their next meeting at such place within the organized town of Oshkosh as the present Board of Supervisors shall appoint, and thereafter the place of meeting shall be decided by a vote at their town meeting.

Connection of
city and town
dissolved.

Sec. 42. The town business of the present town of Oshkosh, up to the time of the passage of this act, shall be settled by the town as constituted by this act, and the amounts of funds remaining, or the debts due, as the case may be, shall be proportioned between the said town and city, according to the amount of taxable property belonging to each, as taken from the last assessment roll.

Town business
how settled.

Sec. 43. The said common council are hereby authorized to borrow, upon the credit of the city of Oshkosh, such necessary sum or sums of money, for any term of time not exceeding twenty years, and at such rates of interest not exceeding seven per cent., and payable at such place or places as they may deem expedient, not exceeding fifty thousand dollars for one any year, and issue bonds or scrip therefor, under the seal of said corporation, signed by the Mayor and countersigned by the Clerk; such sum or sums so borrowed shall be expended and applied under the direction of the Mayor and Common Council for said city, in liquidation of the debts of the city of Oshkosh, and the permanent and useful improvement of said city, and in building necessary roads and bridges, leading to and from said city, or to connect with other roads already built, and to pledge the revenues and credit of the city for the repayment of the sum or sums so borrowed, and the interest on the same; *Provided*, That no sum shall be borrowed as above provided, unless by a vote of the majority of the freeholders resident in the city, cast for that purpose, at a special meeting called by order of the Common Council, by publishing notice of the same in one or more of the papers printed in the city, for three weeks previous to the time of voting, which notice shall specify definitely the place or places for voting, the sum to be raised, and the purpose to which it is to be applied.

May borrow
money.

Proviso.

Sec. 44. This act may be amended, altered or repealed by the legislature; and all acts or parts of acts, incon-

sistent with this act, shall be, and the same are hereby repealed; such repeal to take effect at the time when this act becomes operative.

Sec. 45. This act shall be considered a public act, and shall be construed favorably in all courts and places.

Act submitted to the people. Sec. 46. A special election shall be held in the town of Oshkosh at the usual place of holding elections, on the first day of April next, between the hours of ten in the forenoon and four in the afternoon; and at such special election the qualified voters of said town may vote a printed or written ticket, "For the Charter" or "against the Charter," such vote shall be canvassed in the same manner that votes are canvassed for town officers, and provided a majority of the votes cast are for the charter, then this act shall be in full force, and in case a majority of the votes cast are against the charter then it shall not go into effect.

Approved, March 25, 1853.

Chap. 119.

An Act to incorporate the Chippewa Bridge Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. H. S. Allen, Timothy Burns, Otis Hoyt, Alfred Day, A. D. La Due, and Benj. Allen, and such other persons as are or may be associated with them, are hereby created a body corporate in law, by the name and style of the "Chippewa Bridge Company," for the purpose of constructing a bridge across the Chippewa river, at a point below the falls, in the village of Chippewa, and the said company or their assigns, may, in their corporate capacity and name, sue and be sued, plead and be impleaded in any court in this State, and may have a common seal, and may change the same at pleasure.

Commissioners to receive subscriptions.

Sec. 2. The corporators named in the first section of this act, or such other persons as they may appoint, are hereby appointed commissioners to receive subscriptions to the capital stock of said company, and shall open book at such times and places as the said commissioners appoint, until the capital stock of said company is taken.

Capital stock.

Sec. 3. The capital stock of said company shall be fixed at ten thousand dollars, and divided into shares of twenty-five dollars each, and each share shall be entitled to one vote in the election of officers, and in the transac-

tion of the business of said company, when votes are necessary to be taken.

Sec. 4. The said company shall have power to build a bridge at the point mentioned in the first section, and to take so much land as may be necessary for that purpose, and for building toll houses, and such other buildings as said company may deem necessary. *Provided, however,* That no unnecessary damage shall be done thereby, and in case the said company and the owners of the land cannot agree upon the price of the land so taken, the said company shall choose one appraiser, and the owners of the land another, and the persons so chosen shall proceed to appraise the land, and in case the said appraisers cannot agree, they shall choose a third person to act with them in the appraisal, and the price at which the said appraisers shall appraise the said land, shall be paid by the said company to the owners thereof. Power to build bridge.

Sec. 5. The said bridge shall not be less than sixteen feet wide, and be elevated sufficiently high as not to impede navigation. Dimensions.

Sec. 6. The said company shall have power, after completion of said bridge, to demand and collect toll for passing the same, as follows: For any vehicle drawn by two horses or oxen, thirty-seven cents, and for each additional horse or ox, five cents. For any vehicle drawn by one horse, twenty-five cents. For a single horse or ox, five cents. For horses or cattle in droves of not less than twenty, three cents each, and for all over twenty, two cents each, and for sheep and swine, one cent each: *Provided,* that said company may charge a less rate of toll at their discretion. Rates of toll.

Sec. 7. The said company shall have power to make such by-laws for the regulation of its concerns as they may deem best for that object: *Provided,* That such by-laws shall in no way contravene the laws of this State, or of the United States. By-laws:

Sec. 8. The said company shall keep posted up in some conspicuous place on the said bridge, a list of the rates of toll to be paid for crossing the same.

Sec. 9. This act shall take effect from and after its passage.

Approved, March 25, 1853.

An Act to organize the town of St. Marie.

Chap. 120. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All that district of country in the county of Marquette, described as follows: "Beginning at the north east corner of Section thirteen, Town sixteen, north of Range twelve, east, thence running south on said section line, eighty rods, thence due west, to the west line of section fourteen (14) in Town sixteen, (61) north of Range eleven, (11) east, thence north, to the north west corner of Section twenty-six, (26) in Town seventeen (17) north of Range eleven, (11) east, thence east to the Range line between Ranges twelve (12) and thirteen, (13) east, thence south to the place of beginning," is hereby constituted a separate Town, to be called the town of St. Marie. And the first annual town meeting in said town, shall be held at the school house in the village of St. Marie.

Sec. 2. This act shall take effect, from and after its passage.

Approved, March 25, 1853.

An Act to incorporate the Wisconsin Mining and Manufacturing Company.

Chap. 121.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That Alexander L. Collins, Daniel F. Smith, John J. Anderson, T. S. Wilson and Daniel D. Page, and their associates, shall be, and are hereby constituted and made a body politic and corporate, by the name and style of the "Wisconsin Mining and Manufacturing Company," and by that name shall be capable in law of suing and being sued, pleading and being impleaded, answering, and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; may have a common seal, and alter the same at pleasure, and by said name shall be capable of purchasing, holding and conveying any estate or property, real or personal, for the use and benefit of said corporation.

Capital stock. **Sec. 2.** The capital stock of said company shall not exceed six hundred thousand dollars, and shall be divided into shares of five hundred dollars each, and shall be deemed to be personal property, and may be transferred

in such manner as the by-laws of the company may direct.

Sec. 3. Said corporation shall enjoy all the privileges Privileges of company. incident to a corporation for the purpose of mining, smelting or manufacturing lead, copper, zinc, iron or other metals and the ores thereof, and to sell and dispose of the same at pleasure, and for these purposes may erect buildings and machinery to be moved by steam or other power on any lands in this State, which are now, or may hereafter be owned by them, or upon which they may acquire the right to erect and maintain the same; and said corporation may in their corporate capacity and name, make and execute to any person or persons, or body corporate or politic, any writings, notes, bonds, mortgages on real or personal property belonging to said company in the due prosecution of their business, or as security for the loan of money borrowed by, or due from said corporation to any person or persons, body politic or corporate, and may take and receive in their said corporate name, from any person or persons body politic or corporate, any notes, bonds, mortgages, or other evidences of debt, or securities for money or other material; but this section shall in no wise be considered and construed as conferring banking powers on said corporation.

Sec. 4. The property and affairs of said corporation shall be managed and conducted by a board of not less than three, no more than nine directors, who shall be elected annually, and who shall be stockholders in said corporation, and who shall be elected as aforesaid, by the stockholders at such time and place as shall be directed by the by-laws of said corporation—each share of stock being entitled to one vote, which vote or votes may be cast by the holder of such share, or shares, or by proxy duly authorized thereto, and all such elections shall be by ballot, and the persons receiving the majority of all the votes cast, shall be directors for the ensuing year, and until their successors are duly elected and qualified; and when any vacancy shall happen, from any cause, it shall be filled for the remainder of the year, in such manner as shall be provided for by the by-laws of said corporation. The number of directors, and how many shall constitute a quorum for the transaction of business, shall be determined by said by-laws.

Sec. 5. The said directors shall annually after their election, elect one of their number president, whose duty it shall be to preside at the meetings of the board, and such Shall elect a president.

other duties as may be imposed on him by the by-laws; and in case of his absence at any meeting, the directors present may elect a president pro tem. The directors shall have power to make and prescribe such by-laws, rules and regulations respecting the management of the property concerns, business, stock and government of said corporation, as they may deem expedient and proper. All meetings for the transaction of business for said corporation shall be held at such places as may be designated by said corporation, and the manner and times of calling or holding, shall be prescribed in the by-laws of said company. The directors shall have power to appoint a treasurer and secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure, and establish the compensation, and define the duties of all their officers. Said directors shall also have the power to decide the time, manner and proportions in which the stockholders shall pay the money due, (or an equivalent therefor) on their respective shares, and to make such rules respecting the forfeiture of stock and shares as they may deem advisable: *Provided*, That no stock or share of a stock holder in said company shall be forfeited without previous notice to the said stockholder by publication in some weekly newspaper in this State for three successive weeks, and shall have power to appoint a time certain in each year, for the election of directors which election shall be held at the general office of said company, upon such notice to said stockholders, of not less than thirty days before such election, as shall be prescribed by the by-laws of said company: *Provided*, That if, for any cause, an election shall not be held at the time so appointed, the same may be held at any time thereafter, upon a like notice being given to the stockholders and the directors then in office, shall, in all cases, continue to act until the election and qualification of their successors.

Opening of
books.

Sec. 6. Books for subscriptions to the capital stock of said company shall be opened at the office of Abbott & Clark, in the village of Madison, on the first Monday of May next, under the inspection of A. L. Collins, Chauncey Abbott, and N. W. Dean, or a majority of them, which said books shall be kept open from day to day, until at least fifty thousand dollars of said capital stock be subscribed for, when the said Collins, Abbott and Dean may deliver said books to such subscribers, and said subscribers shall then proceed to elect a board of directors as

herein provided and such directors, when so elected, shall at their first meeting determine the amount of capital of said company, which shall not exceed six hundred thousand dollars, and if they shall establish said capital at any sum less than the last named amount, the same may at any time thereafter be increased by a two-third vote of the directors at any regular meeting, to any amount not exceeding the said sum of six hundred thousand dollars.

Sec. 7. The stockholders of said corporation shall be jointly and individually liable for all debts that may be due and owing to all their clerks, laborers and servants, for services performed for such corporation. Stockholders
liable.

Sec. 8. This act shall take effect, and be in force from and after its passage.

Sec. 9. This act is hereby declared to be a public act, and shall be construed favorably to said corporation in all courts.

Approved March 25, 1853.

An Act to authorize the laying out of a State road therein described.

The People of the State of Wisconsin, represented in Chap. 122.
Senate and Assembly, do enact as follows :

SECTION 1. Hoel S. Wright, Michael Green and N. E. Eastman, be and are hereby appointed commissioners to lay out and establish a State Road, commencing at the house of Hoel S. Wright in the town of Wrightstown, Brown county, to run South Eastwardly to where there is a temporary bridge across the East branch of Plumb Creek, thence South along the section line between sections ten and eleven, fourteen and fifteen, twenty-two and twenty three, twenty six and twenty-seven, thirty-four and thirty-five, town twenty-one (21), North range nineteen (19), East, being the South line of said town and county, from thence Southwardly along the most practicable route to the South-East corner of section one (1), town eighteen (18), North range nineteen (19), East, thence South along said range line to Chilton in the town of Charlestown, Calumet county, there to intersect the Stockbridge Mission and Plymouth State road. Commission-
ers.

Location of
road.

Sec. 2. The commissioners shall receive for their services such compensation as may be allowed by the Board

Compensation. of Supervisors of the counties through which said road may pass; *Provided*, That no part of the expense shall be paid out of the State Treasury.

Sec. 3. This act shall take effect immediately after its passage.

Approved, March 25, 1853.

Chap. 123.

An Act to authorize the city of Watertown to aid in the construction of the Milwaukee and Watertown, and the Watertown and Berlin Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Mayor and council may loan credit of city.

SECTION 1. For the purpose of aiding in the construction of the Milwaukee and Watertown, and the Watertown and Berlin Railroad Company, the Mayor and City Council of the said city of Watertown are hereby authorized and required to loan the credit of the said city to the said Railroad Companies in the sum of one hundred and twenty thousand dollars,—that is to say, eighty thousand dollars to the Milwaukee and Watertown Railroad Company, and forty thousand dollars to the Watertown and Berlin Railroad Company, and for that purpose the Mayor and City Council of said city are fully authorized to issue the bonds of said city in such form and denominations as the said Railroad Companies may severally require.

Bonds how executed.

Sec. 2. The said bonds shall be executed by the Mayor and countersigned by the Clerk of said city, under the corporate seal thereof, and shall be payable in not less than ten nor more than twenty years from the date thereof, and shall bear interest at the rate of eight per centum per annum, payable semi-annually, and payable principal and interest in the city of New York.

The question of issuing bonds shall be submitted to the people.

Sec. 3. Before the issue of any bonds authorized by this act, to the said Railroad Companies, the question of issuing the same shall be approved of by a majority of the qualified electors of said city voting on the question at an election to be holden at the Planter's Hotel, in said city, on the first Monday of May next, at which election those voting in favor of the issue of such bonds, shall vote a ballot on which shall be written or printed the words, "for the Railroads," and those voting against the issue of such bonds shall vote a ballot on which shall be written or printed the words "against the Railroad." The poll of said election shall be opened at ten o'clock in the fore-

noon and continue open until four o'clock in the afternoon of the same day. The said election shall be conducted under the direction of inspectors to be appointed by the Mayor and City Council of said city, and the vote shall be canvassed, certified, and the result thereof returned to the Clerk of said city within three days after the said election, and the said Clerk shall lay the same before the said Mayor and City Council at their next session to be holden thereafter. Every qualified elector of said city shall be entitled to vote at such election without regard to ward lines.

Sec. 4. If the result of said election shall be in favor of the issue of such bonds. The said Mayor and City Council shall upon the requisition of the said Milwaukee and Watertown Railroad Company execute bonds running to and for the benefit of said Company, in such form and denominations as they may direct, for the said sum of eighty thousand dollars, and shall upon a like requisition of the Watertown and Berlin Railroad company execute bonds running to and for the benefit of said company, in such form and denominations as the said company may direct, for the said sum of fifty thousand dollars. The said bonds when so executed, shall be deposited with the Treasurer of said city, to be delivered to the said Companies severally, upon the compliance of the following conditions.

When bonds
to be executed.

Sec. 5. Before any of the said bonds shall be delivered to the said Milwaukee and Watertown Railroad Company the said company shall execute and deliver to the Treasurer of said city a bond under the corporate seal of said company, in the penal sum of one hundred and sixty thousand dollars, conditioned that the said company shall punctually pay and discharge the principal and interest due on said bonds, and shall fully indemnify and save harmless the said city against all payments, liabilities, losses, damages and expenses which the said city may sustain or incur in consequence of the issue or delivery of such bonds, and before any bonds shall be delivered to the Watertown and Berlin Railroad Company, a bond shall be executed and delivered by the said Company with like conditions, only that the penalty of such bond shall be eighty thousand dollars.

Railroad company to execute bond to city.

Sec. 6. Whenever the President and Secretary of the said Milwaukee and Watertown Railroad Company shall file the joint affidavit that the sum of two hundred thousand dollars has been actually and in good faith subscribed

When city bond shall be delivered to the M. & W. R. R. Co.

to the Capital Stock of said Company—that the said Company has actually expended the sum of forty thousand dollars in the construction of said Railroad (exclusive of salaries) West of a point where the said road unites with the Milwaukee and Mississippi Railroad Company; then the said Treasurer shall deliver to the order of said Company the sum of twenty thousand dollars of the bonds issued to aid said company, and whenever a like affidavit has been filed with the said Treasurer, that the further sum of forty thousand dollars has actually been expended as aforesaid in the construction of said Railroad West of the village of Hartland, then the said Treasurer shall deliver to the order of said Company, the further sum of twenty thousand dollars of said bonds issued to aid said Company; and whenever a like affidavit has been filed with said City Treasurer that the said Company has expended the further sum of forty thousand dollars in the construction of said road West of the village of Oconomowoc, then the said Treasurer shall deliver to the said Company the further sum of twenty thousand dollars of the bonds issued in aid of said company, and whenever a like affidavit has been filed that the said road is completed and in running order to the city of Watertown, then the said Treasurer shall deliver the remaining twenty thousand dollars of bonds to the order of said company.

When to the
W. & B. R. R.
Co

Sec. 7. Whenever the President and Secretary of the Watertown and Berlin Railroad Company shall file their joint affidavit with the said city Treasurer, that the sum of two hundred thousand dollars has been actually and in good faith subscribed to the Capital Stock of said Company, and that the said company has actually expended in the construction of the said road (exclusive of salaries) the sum of twenty thousand dollars, then the said Treasurer shall deliver to the order of said company the sum of ten thousand dollars of the bonds issued to aid said Company; and whenever a like affidavit has been filed with the said Treasurer, that the further sum of twenty thousand dollars has been expended as aforesaid, then the said Treasurer shall deliver to the order of the said company the further sum of ten thousand dollars of the bonds issued in aid of said road; and whenever a like affidavit has been filed with the said Treasurer, that the further sum of twenty thousand dollars has been expended in the construction of said road, then the said Treasurer shall deliver to the order of said Company the further sum of ten thousand dollars of the bonds issued in aid of said road; and

whenever a like affidavit has been filed that the further sum of ten thousand dollars has been actually expended in the construction of said road as aforesaid, then the said Treasurer shall deliver to the order of said Company the balance of the bonds in his hands issued in aid of said Company.

Sec. 8. Any person or persons, officer or officers, who shall make any other than a faithful application of the monies arising from the sale of any bonds, or any part of the same, issued in pursuance of the provisions of this act, in the construction of the road to which the same is designed, shall be deemed guilty of a misdemeanor, and may be indicted, tried and punished accordingly, before any court having competent jurisdiction of the same, and upon conviction of such offence shall be sentenced to imprisonment in the State Prison for a term not less than one nor more than three years, and shall be personally liable to the said city of Watertown to pay to the said city for the use thereof double the sum so misapplied, to be recovered in an action of debt in the name of the Treasurer of said city, before any court having jurisdiction of the same.

Penalty for unfaithful application of funds.

Sec. 9. For the payment of the principal and interest of any city bonds issued in pursuance of the provisions of this act, the faith of the said city shall be and is hereby irrevocably pledged, and whenever it shall become necessary for the purpose of paying the interest due, or to become due, on such bonds, or the principal of such bonds, the said Mayor and City Council shall be authorized to levy and collect a tax upon the taxable property of said city for that purpose.

Faith of city pledged for interest.

Sec. 10. Before the deliver of any bonds issued under the provisions of this act, the Railroad Company entitled to receive the same shall duly execute and deliver to the Treasurer of the said city of Watertown a mortgage on then said road in the usual form, to secure the performance of the bond executed by said Company to the said city, which mortgage shall be a lien against the said Railroad from and after the recording thereof.

Road to be mortgaged.

Sec. 11. Nothing herein contained shall be in any wise construed to make the said Milwaukee and Watertown Railroad Company, and the said Watertown and Berlin Railroad Company, joint liable for the performance of any of the conditions contained in this act, but the said Companies each for itself shall be severally liable for the performance of all the conditions required of such Company

to the said city of Watertown, and this act shall be construed liberally and beneficially to effect the objects herein contemplated.

Approved, March 25, 1853.

Chap. 124.

An Act supplemental to an act entitled an act to incorporate the City of Watertown.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

**Appropriation
for building
telegraph,**

SECTION 1. The Mayor and city council of the city of Watertown are hereby authorized to expend a sum not exceeding three hundred dollars, for the purpose of aiding any person or persons, corporation or corporations in the building of a telegraph line through said city, upon such terms and conditions as may be agreed on by the parties.

**For preparing
State Fair
grounds.**

Sec. 2. The Mayor and city council of said city are hereby authorized to appropriate a sum not exceeding five hundred dollars, to be expended in fitting up, enclosing the grounds, and making other arrangements for the Fair of the State Agricultural Society to be holden in said city.

Special tax.

Sec. 3. The Mayor and city council of said city are hereby authorized to levy and collect the sums authorized to be appropriated by this act, as a special tax upon all the taxable property of said city, in addition to the amount now authorized to be levied and collected by the act incorporating said city.

**Time of elec-
tion.**

Sec. 4. The Judge of the Municipal Court of said city shall be elected on the first Tuesday of April, A. D. 1853, and every second year thereafter on the day provided by law for the election of city officers, any provision in the act entitled an act to incorporate the city of Watertown to the contrary notwithstanding.

**Clerk to re-
ceive statutes,
session laws,
&c.**

Sec. 5. The Secretary of State shall deliver to the order of the clerk of said city twenty copies of the Revised Statutes, also twenty copies of the Session Laws and one copy of the journals and documents of each session of the legislature held since the adoption of the constitution, and annually hereafter twenty copies of the Laws and one copy of the journals and documents of each session, to be preserved and distributed to the officers of said city in the manner now provided by law.

Sec. 6. No compensation whatever shall be allowed ^{No compensa-} or paid to the Mayor or any member of the city council ^{tion.} of said city.

Sec. 7. Section forty-four of the act entitled an act to ^{Amendment.} incorporate the city of Watertown is hereby amended, so as to read as follows :

"The said city council shall at the expiration of thirty days after the making and entering any order for the opening, laying out, extending, widening or vacating any highway, street, alley, or public walk, if a claim for damages shall have been duly filed with the clerk of said city, cause to be summoned six good and lawful freeholders, inhabitants of said city, and not directly interested, who being first duly sworn for that purpose, shall take into consideration the necessity of opening and laying out, extending, widening or vacating such highway, street, alley, or public walk. The said jury shall also take into consideration as well the benefit as the injury which may accrue, and estimate and assess the damages which would be sustained by reason of the opening and laying out, extending, widening, or vacating of any such highway, street, alley or public walk as aforesaid, all of which shall be, within six days, returned to the city council under their hands and seals, and the property so benefitted and assessed shall be liable for the payment of the same, and the same shall be a lien on such property and be collected in the same manner as annual taxes are collected, and the damages awarded shall be paid out [of] the city treasury."

Sec. 8. The Mayor and city council of said city are ^{To build city} authorized to build a city hall for the use of the said city, ^{hall.} its officers and courts, and for that purpose may borrow any sum of money not exceeding ten thousand dollars, on the credit of said city, and for that purpose may issue city bonds, bearing a rate of interest not exceeding ten per cent, and payable in not less than five nor more than ten years from the date thereof. The said bonds may be issued in such denominations and payable in such place or places as the Mayor and city council shall direct. This section shall be in force from and after the same is submitted to and approved of by a majority of the qualified electors of said city voting on the question; to be submitted at such time, manner, place or places as the Mayor and city council of said city may direct.

Approved March 26, 1853.

An Act to appropriate to Chauncey Abbott the sum therein named, and to authorize the Secretary of State to audit any further postage account of this Legislature.

Chap. 125. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to Chauncey Abbott, out of any money in the State treasury not otherwise appropriated, the sum of three thousand two hundred and ninety-two dollars and seventy cents, in full for postage of members of Senate and Assembly from the twelfth day of January, 1853, to the fourteenth of March inclusive; and in addition to the foregoing sum, there is hereby appropriated to the said Abbott as much money as will be necessary for the payment of any further postage of said members during the present session of the legislature; said last postage account to be audited by the Secretary of State and paid out of the State treasury on the order of the said Secretary, out of any money not otherwise appropriated.

Sec. 2. This act shall take effect from and after its passage.

Approved March 29, 1853.

An Act to incorporate the Fox River Valley Railroad Company.

Chap. 126. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Preston Denton, Andrew E. Elmore, Winchell D. Bacon, Charles K. Watkins, William K. Wilson, Pliny M. Perkins, Peter Forbes, Richard E. Ela, Philo Belden, James C. McKesson, Arthur McArthur, Wm. S. Hawkins, Wm. A. Barstow, William A. Vanderpool, H. H. Camp, Stephen Sayles, and A. F. Pratt shall be and are hereby appointed commissioners, under the direction of a majority of whom subscription may be received to the capital stock of the Fox River Valley Railroad Company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of such times and places, by publishing the same in one or more papers printed at the city of Milwaukee, and one printed in the village of Waukesha.

Sec. 2. The capital stock of said company shall be eight hundred thousand dollars, in shares of one hundred

dollars each, and may be increased by the directors of said company to any sum not exceeding one and a half million of dollars, if necessary to complete the work herein authorized, and as soon as three hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns shall be and they are hereby declared and created a body corporate and politic, by the name and style of the Fox River Valley Railroad Company, with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation. They shall be capable in law of purchasing, holding, selling, leasing and conveying estate real, personal, or mixed, so far as the same may be necessary for the purpose hereinafter mentioned, and in their corporate name may sue and be sued, plead and be impleaded, may have a common seal and may alter the same at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation.

Capital stock.

Powers of company.

Sec. 3. The said commissioners or a majority of them shall attend at the place appointed for the opening of the books of said company for subscription to the capital stock thereof, and shall continue to receive subscription either personally or by such agents as they may appoint for that purpose, until the sum of twenty-five thousand dollars is subscribed, and five per cent of the same paid in to the commissioners; and as soon as the said sum of twenty-five thousand dollars is subscribed and the five per cent paid in as aforesaid, then the said commissioners or a majority of them may close the books, and shall give at least twenty days notice in a newspaper published at the city of Milwaukee and at the village of Waukesha of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing thirteen directors for said company. The commissioners, or a majority of them, shall attend at the time and place appointed by them for said election, and shall act as inspectors of said election, and the stockholders shall proceed to elect thirteen of their number directors, by ballot; and the commissioners present shall certify the result of such election under their hands, which certificate shall be recorded in the record book of said company, and shall be sufficient evidence of the election of the directors therein named. The directors thus elected shall hold their offices

Commissioners to attend at the opening of the books.

Shall give twenty days notice.

Provisoes.

for one year from and after the date of such election, and until their successors are elected and qualified; and annually thereafter the stockholders of said company shall meet on the third Wednesday of January of each and every year, for the purpose of electing directors as aforesaid, upon a like previous notice to be given as hereinbefore provided: *Provided*, That previous to the first election the commissioners hereinbefore named shall elect one of their number President, and they shall perform all the duties and be invested with all the powers of directors: *And Provided*, If from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that until such election the directors of the preceding year shall continue to act, and that this charter shall not be annulled or avoided by reason of the irregularity or want of such election: *And Provided also*, That in case of vacancy from death, removal, or resignation of any director, his place may be filled by a majority of the board of directors.

Election of directors.

Sec. 4. The affairs of said corporation shall be managed by a board of thirteen directors, elected as hereinbefore provided, at which election the stockholders of said company shall be entitled to one vote for each and every share of stock owned by him or them at the time of election and for twenty days previous thereto; which said votes may be cast in person or by proxy duly authorized; which directors shall appoint one of their number to be President, and shall respectively serve one year, or until other directors are elected; they shall have power to make and establish rules and regulations, not inconsistent with the Constitution and laws of this State, as may be necessary for the proper arrangement of the affairs of said company.

Directors must be stockholders.

Sec. 5. None but stockholders shall be elected directors, and at every election held for the election of directors, the thirteen stockholders having the highest number of votes shall be declared elected.

Relative to meetings of directors.

Sec. 6. The said directors shall meet at such times and places, and be convened in such manner as they may hereinafter decide upon. A majority of said directors shall be a quorum for the transaction of business, who, in the absence of the President, shall appoint a President pro tem.; the directors shall appoint a Secretary, Treasurer, and such engineers and other officers as they may find necessary, and they shall have full power to fix the

compensation of all officers or agents, and may demand adequate security for the performance of their respective trusts; they shall decide the time and manner and proportion in which the said stockholders shall pay the money due on their respective shares, and forfeit for the use of the company the share or shares of every person failing to pay any instalment so required at a reasonable period, not less than sixty days, after the time appointed for the payment thereof; they shall have full power to regulate tolls, and to make such covenants, contracts, and agreements with any person, copartnership, or body politic whatsoever, as the construction and management of the works and the convenience and interest of the company may require, and in general to superintend and direct all the operations, receipts, disbursements and other proceedings of the company: *Provided*, That no instalment called in at any one time shall exceed twelve dollars on a share, and that no instalment shall be called for by the directors without at least thirty days notice thereof in the newspapers hereinbefore named.

Sec. 7. The directors chosen as aforesaid shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the President and countersigned by the Secretary and sealed with the common seal, subject however to all payments due or to become due thereon; which stock shall be transferable in person or by attorney, executors, administrators, guardians, or trustees, under such regulations as may be provided for in the by-laws of said company.

Certificates of stock to be issued.

Sec. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and doings of the company for such year, and special meetings of the stockholders may be called by order of the directors or by stockholders holding one-fourth of the capital stock, on like notice as that required for annual meetings, specifying the object of such meetings, but no business shall be transacted at such special meeting unless a majority in value of the stock shall be represented, either in person or by proxy.

Annual and special meeting of directors.

Sec. 9. The said company shall have power to locate and construct a single or double track railroad from the southern line of Wisconsin, at a point on said line west of and not to exceed ten miles from the point where Fox river crosses the State line; thence in a northerly course

Powers of company to construct road.

to the village of Waukesha, and with power to construct a branch of said road from some point on said road north of the village of Rochester, to the city of Milwaukee; and shall have power to transport, take, and carry property and persons upon the same, by power and force of steam, or of animals, or of any mechanical or other power, or by any combination of them; and they shall have power to make, construct, and erect all such side tracks, turn-outs, and connecting tracks, and also such workhouses, toll-houses, machine-shops, carriages, cars, and other works and appendages that may be necessary for the convenience of the company for the use of said railroad; and said company is authorized and empowered to connect its road with the road of any railroad company or companies in the State of Wisconsin or Illinois, or to become part owner or lessee of any railroad in said State, and any railroad company in said State of Wisconsin or Illinois, duly organized under the laws of said States of Illinois or Wisconsin may connect their road with the road of said company, and may in like manner, with the consent of said company, become part owner or lessee of the road of said company, or of any of its branches, or any portion thereof situated in this State.

**Commence-
ment and com-
pletion.**

Sec. 10. If said corporation shall not within two years from the passage of this act, commence the construction of said railroad, and within ten years complete the same, then the rights, privileges, and powers of said corporation under this act shall be void.

**May borrow
money.**

Sec. 11. The said railroad company are hereby authorized and fully empowered, in their corporate name and capacity, to borrow any sum or sums of money, from any persons, corporations, or body politic of any kind, and for any rate of interest not exceeding twelve per cent per annum, and to make and execute any bond or mortgage or other security for said money in the name of said corporation, or to make any other papers necessary for the carrying out the objects of said company, namely: the construction of a railroad on the lines hereinbefore described, and the contracts and official acts of said company are hereby declared binding in law and equity upon said corporation and all other parties to said contracts.

**Right of com-
pany to enter
upon and ex-
plore lands.**

Sec. 12. It shall be lawful for said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, and when the said route shall be determined by the said

company, it shall be lawful for them, their officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such lands, not exceeding one hundred feet in width along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respectively; and said company are further authorized, by their officers, engineers, agents, and servants, to enter upon lands adjacent to the railroad, beyond the limits of one hundred feet, in the manner provided by this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposite earth, gravel and stone taken from cuts, and to obtain earth, gravel, stone, and other materials for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage, and all lands so acquired, and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner agreeably to the provisions hereinafter provided, and when such damage shall have been paid for or tendered, the title of the land occupied by such fixtures, excavations, and embankments shall vest in said company, and the said company shall, on opening said road through enclosed grounds, erect such fencing as shall preserve such enclosure entire.

Sec. 13. When the said corporation cannot agree with the owner or owners of such required land for the purpose thereof, or as to the compensation to be paid therefor, or when by reason of the legal incapacity or absence of any such owner or owners no such agreement or purchase can be made, then and in that case it shall be lawful for any judge of the supreme, circuit, or county courts of this State, on application of the said company, and at the cost and charge of said company, to appoint three disinterested persons, residing in the counties through which the said road runs, whose duty it shall be to view and examine the lands so taken, with the buildings and improvements, if any, thereon, and to estimate the value

When corporation and owners of land cannot agree as to compensation.

of the land so taken or required by said company, and all the damage which the owner or owners thereof shall sustain or may have sustained by reason of the taking of the same for the construction and use of said road, or works appertaining thereto; and it shall be the duty of said company to give three weeks notice of their application to the judge of the supreme, circuit, or county courts for the appointment of said commissioners, to be published for three successive weeks in a newspaper published, if there shall be any, in each of the counties through which said road may be located, and the affidavit of the publisher or printer shall be legal evidence of such publication; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some Justice of the Peace, or other person competent by law to administer oaths, faithfully and according to the best of their abilities to examine the lands so taken or required by said company, and impartially to estimate and appraise the value of the same, and the damage or injury which the owner or owners thereof shall have sustained, or may sustain, by reason of the taking and using thereof by the said company; whereupon such commissioners shall proceed to examine the premises and estimate the value of such land and the amount of damage, and shall make a report in writing of such valuation under their hands and seals, to the circuit court of the county where the land lies, and shall return the same within ninety days after their appointment, to the clerk of the circuit court of the county in which they reside, and it shall be the duty of the said clerk to file the same; and in case no appeal shall be made within thirty days after the filing of the said reports, as hereinafter provided, then the said clerk shall record the same, at the expense of the said company, and judgment of the said court shall be entered thereon on motion of either party at any term of said court; *Provided*, That either party may appeal to said court within thirty days after said report shall have been filed in the clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court; and the jury empanelled to try the same shall find the value of the land so taken or required by said company, and the damage which the owner or owners thereof shall have sustained by the taking of the same, and judgment of the said court shall be entered accordingly: *Provided also*, That it shall not be lawful for the said commissioners or said court to proceed in the assessment of damages or in

Provisoes.

the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners, his, her, or their agents or attorneys, unless it shall be shown to them by competent testimony, that the said owner or owners shall have had at least five days notice of the time and place at which such assessment or valuation was to be made, or that the said owner or owners are absent from the said State of Wisconsin; and if the said owner or owners shall be minors, or non compos mentis, or absent from the State, the service of notice may be made on the guardian or trustee, if there be any, or in such manner as the court may direct: *Provided also*, That upon the making and filing of any report as aforesaid, and payment or legal tender of the amount of any valuation or appraisal specified therein to the owner or owners of any such lands, his, her, or their legal representatives, the said company, their agents, or the contractor for making or repairing said railroad, may immediately take and use the same without awaiting the issue of any appeal brought thereon.

Sec. 14. Whenever any judgment shall have been entered as hereinbefore provided, for the value of any lands or for any damages for taking and using the same, and the amount specified in such judgment, shall have been paid or tendered to the owner or owners of such lands, his, her, or their legal representatives, the said company shall be entitled to the estate, and interest in the same, as fully as if it had been conveyed in fee simple; and if such valuation be not received when tendered, it may at any time thereafter be received or may be collected from said company by action at law, at the cost and expense of the person or persons entitled to the same: *Provided*, that the costs of any proceedings and judgments specified in the last preceding section shall be taxed by the court, and paid by such company, except in cases when upon appeal, the verdict of the jury shall be for the same or for a less sum than that reported by the said commissioners.

When judgment entered.

Sec. 15. The said rail road shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads, which may cross the same, and in all places where any such road may cross or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made, a sufficient causeway or passageway, to enable all persons traveling such public road to pass over or under such rail road without inconvenience: *Provided*, That in cases where said

Shall not obstruct any public road.

Provide.

railroad may cross or come in contact with any public or private road, so as to occupy any part of such road, it shall be lawful for said company to construct said rail road across or upon such road, after altering and putting the same in as good condition as before; and for that purpose, the said company shall, previous to occupying any part of such road, construct a new road, in part or in whole, as may be necessary, on ground adjacent to such road, and in every respect complete such newly constructed road, or part of a road so interfered with, as substantially as it was previous to the disturbance and occupancy thereof, by said company.

**Shall make
passage over
and under.**

Sec. 16. For the convenience of persons owning or possessing lands through which said rail road shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage over or under such railroad, whenever the same may be necessary, to enable the occupants of said lands to pass over or under the same with wagons, carts or implements of husbandry, as occasion may require: *Provided*, That the said company shall in no case be required to make more than one such passage way for each farm; and when any public road shall cross said rail road in any farm, the person owning or possessing said farm, shall not be entitled to require said company to make any additional causeway.

Sec. 17. This act shall be construed favorably to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State of Wisconsin shall be received as evidence thereof.

**Penalty for ob-
structing
track.**

Sec. 18. Any person who shall willfully and maliciously place any obstruction or thing upon the track of said road, or shall remove or damage any part thereof, in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of misdemeanor, whether such result shall happen or not, and shall be punished for every such offence, by imprisonment in the state prison for a term not less than one nor more than five years, at the discretion of the court, and in case any damage shall result from the placing of such obstructions or injury to the said road, said party shall be liable to pay all such damage to said company, and to any other person damaged or injured thereby; and in case any accident shall happen in consequence of placing such obstruction, or in consequence of breaking or injuring said road, whereby death may be produced, the party so of-

fending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the law in such cases made and provided.

Sec. 19. It shall be lawful for said company to purchase land adjoining or adjacent to the said rail road, for the purpose of procuring earth, gravel, stone or other materials, for the construction and repair of said road, or buildings and fixtures connected therewith; and whenever such lands shall no longer be needed for the purposes aforesaid, the said company are hereby authorized to sell and convey the same. May purchase land—and for what purpose.

Sec. 20. In case there shall be incumbrances upon the land taken as hereinbefore provided, it shall be sufficient for the said company to deposit the amount of damages assessed as herein provided, with the clerk of the circuit court of the county where the land lies to be paid over by the said clerk to the owner of said land, or his lawfully authorized agent upon the removal of the said incumbrances.

Sec. 21. This act shall take effect and be in force from and after its passage.

Approved March 29, 1853.

An Act to incorporate the village of Appleton in the county of Outagamie. Chap. 127.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That all that district of country included in the following limits and boundaries in Township number twenty-one, North of range number seventeen, East, in the county of Outagamie, to wit: Beginning at the centre of section thirty-four, thence running East along the sub-division line of sections thirty-four, to the left bank of Fox river, to a point eighty rods east of the line of sections twenty-five and twenty-six thence north to the south line of section twenty-four; thence West along the section line to the quarter post in the south line of section twenty-two, thence South to the place of beginning; shall hereafter be known and designated as the village of Appleton, and the inhabitants residing or who may hereafter reside within the limits of said description are hereby constituted a body corporate by the name of the President and Trustees of the village of Appleton, and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, Boundaries of the village. Powers of corporation.

answering and being answered unto, in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may change the same at pleasure, and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations pertaining to a Municipal Corporation.

Corporate powers in whom vested.

Sec. 2. The government of said corporation and the exercise of its corporate powers and management of its fiscal, prudential and municipal concerns shall be vested in a president and six trustees, and such other officers as are hereinafter provided for.

Officers—and when elected.

Sec. 3. The elective officers of said corporation shall be one president, six trustees, one marshall, one treasurer, and one assessor, to be elected by the qualified voters thereof at the annual election of said corporation, to be held on the second Tuesday of April in each year, and shall hold their respective offices for one year, and until their successors are chosen and qualified.

Qualification of voters.

Sec. 4. At the first election, and at all subsequent elections of officers in said corporation, every person residing therein qualified to vote for town officers in the town in which said corporation is situated, and who shall have resided within the limits of said corporation twenty days next preceding the election, at which he may offer his vote, shall be entitled to vote for any officer required to be elected by this act, and the person or persons having the highest number of votes for any office, shall be declared duly elected.

Election when held, &c.

Sec. 5. The first election shall be held at the Clifton House in the village of Appleton, on the second Tuesday of April, A. D., eighteen hundred and fifty-three, and the Supervisors of the town of Grand Chute shall at least ten days previous appoint the judges and clerks of said election, which appointment shall be in writing, signed by said Supervisors or a majority of them, and filed with the town clerk of said town, whose duty it shall be to notify the judges and clerks of such appointment; and after the first election it shall be the duty of the president and trustees to provide the place of holding elections in said village, and to appoint the judges and clerks thereof, provided for making and directing the returns of election, the time and manner of opening the returns and making an abstract thereof, and of keeping a journal of the same, and may make such other arrangements concerning said election as

may be lawful and convenient for the citizens of said corporation.

Sec. 6. The Supervisors of the town of Grand Chute shall determine who shall have been properly elected at the first election, and the chairman of the Board of Supervisors shall administer the oath of office to the first President, and such president shall administer the oath of office to the trustees and other officers; all subsequent elections shall be determined by the president and trustees, and the new president may in every case be sworn into office by his predecessor.

Oath of office,
&c.

Sec. 7. The president shall preside at all meetings of the trustees, keep the seal of said corporation, sign all commissions, licenses, and permits, which may be granted by the trustees, give the casting vote in all ties, shall maintain peace and good order, and see that the ordinances of the village are observed and executed, shall have power to administer oaths and affirmations, and to take and certify acknowledgements of deeds, and other instruments in writing; as a judicial officer, he shall have concurrent jurisdiction with Justices of the Peace of the county of Outagamie of all cases for the violation of any ordinance of said village.

Duties of
President.

Sec. 8. The president and trustees shall prescribe the time and fix the place of holding their meetings, shall determine the rules of their proceedings and keep a journal thereof, which shall be open to the inspection of every citizen of said village at all reasonable hours, shall have power to preserve order in their proceedings, and may adopt such by-laws, rules and regulations for their own government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

To prescribe
time and place
of holding
meetings.

Sec. 9. The president, each and every trustee, and the marshal, shall be officers of the peace, and may suppress in a summary manner all rioting and disorderly behavior in a manner consistent with the ordinances of said village, within the limits thereof, and for such purpose may command the assistance of all bystanders or citizens, and all persons refusing to aid when so required shall forfeit and pay such fine as may be prescribed by the ordinances of the village in such case provided.

Officers of the
peace.

Sec. 10. The marshal shall possess all the powers and enjoy all the rights of a constable in the town of Grand Chute, and be subject to the same liabilities; it shall be his duty to execute and return all writs and processes to

Powers and
duties of
Marshal,

him directed by the president, and when necessary in criminal cases, or for the violation of any ordinance of said village, he may serve the same in any part of the State. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the State, to apprehend any person committing any offence against the ordinances of the village, and forthwith to bring such person before competent authority, for examination, and for such services he shall receive like fees as are allowed to constables for like services; said marshall shall execute and file with the clerk a bond for the faithful performance of his duty, to be approved by the president.

Duty of treasurer.

Sec. 11. The treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said village, all monies raised, received, recovered and collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belong to said village, shall be paid into the village treasury, and shall not be drawn therefrom except by a written order signed by the president and countersigned by the clerk, said treasurer shall keep a just and accurate account of all monies and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when and the person from whom he received the several sums of money paid in, and the source from whence the several sums, respectively, arose, which said books shall, at all reasonable times, be open to the inspection of the electors of said village; he shall as often as said trustees require, render to them a minute account of his receipts and disbursements, and at the expiration of his term of office he shall hand over to his successors in office, all monies, books, vouchers and other papers in his possession belonging to said village; he shall before entering upon the duties of his office, execute to the president and trustees of said village, a bond for the faithful discharge of his duties, to be approved by the president, which bond shall be at least in double the amount of taxes to be raised for the year in which he was elected.

Trustees to appoint clerk.

Sec. 12. The clerk shall be appointed by the trustees, he shall perform such duties and exercise such powers as may be lawfully required of him by the ordinance or di-

rection of the trustees, who shall fix his compensation therefor by the year.

Sec. 13. Every officer elected in said village shall, within ten days after election, take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk, and in case of his omission to do so he shall be deemed to have refused to serve, and his place shall be filled in the manner prescribed in this act. Oath of officers.

Sec. 14. Special meetings may be called by the clerk by order of the trustees, by giving ten days notice thereof, in a newspaper printed in the village if there be one, otherwise by posting up written notices, in three public places in said village, which notices shall state the object for which such meeting is called. Special meetings.

Sec. 15. Any vacancy in the office of president or trustees may be filled at a special meeting called in the manner prescribed in the preceding section, and any vacancy in the office of marshal, trustees or assessor may be filled by the trustees. Vacancy.

Sec. 16. The president and trustees shall have power to enact, establish, publish, enforce, alter, modify, amend, or repeal all such ordinances, rules, and by-laws for the government and good order of the village for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and to have the force of laws; *Provided*, That they be not repugnant to the constitution and law of the United States and of this State, and for those purposes shall have authority by ordinances or by-laws to organize fire companies, hook and ladder companies, to regulate their government, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate and exempt from seizure, distress or sale in any manner, and if said owners of buildings shall refuse or neglect to procure suitable ladders and buckets after reasonable notice, the trustees may procure and deliver the same to him, and may recover of the said owner the value of such ladder or fire bucket, or both, with cost of suit; to regulate the storage of gunpowder or other dangerous materials, to direct the safe construction of a place for the de-

Powers of president and trustees.

posite of ashes, to appoint one or more fire wardens and prescribe their duties, to prevent fires and the use of fireworks and fire-arms within the limits of said village or such part thereof as they may think proper, to compel the inhabitants of said village to aid in the extinguishment of fires, to construct and preserve reservoirs, pumps, wells, and other water works, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper; second, to prevent, abate, and remove nuisances, and take such measures for the public health as they may deem proper, and compel the owner or occupant of any unwholesome or nauseous houses, cellars, privys, stables or other places, to cleanse, remove or abate the same from time to time as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said village; third, to license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses or theatrical performances under the ordinances or common law; fourth, to restrain and prohibit all descriptions of gaming; fifth, to prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill-fame; sixth, to direct the location and management of all slaughter houses and markets; seventh, to prevent the encumbering the streets, side-walks, alleys or public grounds with carriages, carts, waggons, sleighs, boxes, lumber, firewood, or other materials or substances whatever; eighth, to prevent horse racing or immoderate riding or driving in said village; ninth, to restrain the running at large of cattle, swine, sheep, horses and other animals, and to authorize the distraining and sale of the same, or to impose a fine not exceeding ten dollars for every such animal found so going at large in violation of the laws of the village; tenth, to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances, or to impose a tax on the same; eleventh, to prevent any person from bringing, depositing or having within said village any putrid carcase or any other unwholesome substance, and to compel them to remove the same whenever found upon their premises; twelfth, to enact by-laws regulating the burial of the dead and the returns of the bills of mortality; for the protection of bridges, side-walks, trees and monuments, establishing and regulating a police, prescribing their duties and punishing their delinquencies; thirteenth, to ap-

point watchmen and firemen, and prescribe their duties; fourteenth, to establish the grade of all streets in said corporation, and to appoint a surveyor and prescribe his duties and fix his compensation.

Sec. 17. In all cases in which by the provisions of this **Ordinances & act**, the president and trustees have power to enact or pass **by-laws**, ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances or by-laws not exceeding fifty dollars for any one offence, in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may by such ordinance direct, not exceeding forty days, for which purpose the said village shall have the use of the Jail of Outagamie county, if there be one in said county, otherwise, of either of the adjoining counties, for the imprisonment of any such offender, and all persons committed to any Jail as above provided, shall be under the charge of the Sheriff of the county in which such Jail is situated.

Sec. 18. On all suits for the violation of any ordinance of the village, process may be by warrant, and it shall be sufficient without setting forth the special matter to declare generally in debt with reference to the ordinance under which the action is brought, the defendant may plead the general issue and give the special matter in evidence, and a printed copy of an ordinance published in a newspaper or pamphlet by authority of the trustees shall be prima facie evidence of the passage and publication of such ordinance. **Suits for violation of ordinances:**

Sec. 19. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said village, shall contain a clause directing, in the event of non-payment of the judgment the imprisonment of the defendant in the county Jail if there be one in said county, otherwise, in the jail of an adjoining county, for such term as shall have been provided for by the ordinance under which the judgment shall have been rendered, all fines, penalties, and forfeitures, when collected, shall be paid into the treasury of said village. **Executions.**

Sec. 20. Any ordinance, regulation, rule or by-law, **Publication of imposing any penalty or forfeiture for the violation of its ordinances.** provisions, shall be published one week in some newspaper printed in said village, if there be one, otherwise, a copy of such ordinance, rule or by-law, shall be posted up in the office of the Clerk of said corporation six days

before the same shall be in force, and proof of such publication by affidavit of the printer or foreman in the office of such paper, or proof posting up such notice by affidavit of such clerk, shall be conclusive proof of the promulgation of such ordinance, regulation, rules or by-law, in all courts and places.

Sec. 21. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party or interested.

Street commissioner.

Sec. 22. The trustees shall have power to appoint one street commissioner, to lay out, open and keep in repair, grade, pave or otherwise improve streets, avenues, lanes, alleys, sewers, side-walks and cross-walks, to ensure the public property of the village, to direct in the prosecution and defence of suits in which said village may be a party, to procure the necessary books for records, and such other stationery as may be required for village purposes, to audit and allow all lawful accounts against said village, to determine and fix the compensation of all officers of the corporation except their own, to levy and collect taxes on all such property as shall be subject to town and county taxes; *Provided*, That in any one year the taxes for corporation purposes shall not exceed two mills on the dollar on the assessed valuation of taxable property in said village, unless two-thirds of the electors of said village, voting at a meeting legally called for that purpose, shall vote to allow a larger sum to be raised, but in no case shall the electors be allowed to raise more than one-half of one per cent on the assessed valuation as aforesaid.

Sec. 23. No order shall be drawn upon the treasurer except upon a recorded vote of the trustees to that effect.

Accounts to be made out in items.

Sec. 24. No amount or claim shall be audited or allowed by the trustees until it shall be made out in items, and accompanied with an affidavit of the claimant that the account as prescribed is correct, and that no part thereof has been paid, any one of the trustees may administer the oath required by this section.

Sec. 25. Nothing in the last preceeding section shall be construed to prevent the trustees from disallowing any such account in part or in whole.

Accounts to be numbered.

Sec. 26. Every account or claim against said village allowed by the trustees in any year, shall be numbered from No. one upwards, in the order in which it shall be allowed, and shall be filed in the clerks office, and every order drawn upon the treasurer for the payment of any

such account or claim, shall refer to the same by the number.

Sec. 27. The clerk shall keep a memorandum of all orders drawn upon the treasurer in a book to be furnished by the trustees for that purpose, giving therein the number of the order, the amount, the name of the payee, the date and the number of the account or claim for the payment of which said order was drawn. Memorandum kept by clerk.

Sec. 28. Said village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account, or advanced in its behalf by its officers or any other person, nor shall any of its money or property be applied to any such purposes, nor shall said village incur any debt or liability in any year greater than the amount of tax allowed by this act to be raised in said village in the year in which such debt or liability was incurred. May borrow money.

Sec. 29. The Trustees shall between the first Tuesday in May, and the second Monday in June in each year determine the amount of general tax necessary to be assessed and collected in said village, the current year. The assessor shall within the time above limited assess all property subject to taxation in said corporation and shall on or before the first Monday of June in each year deliver to the clerk of said village a full and complete roll thereof, which roll shall exhibit the description, and value in separate columns of the lands, lots, and all other property chargeable with tax, in the said corporation respectively together with the names of the owners thereof so far as the same can be ascertained. Relative to taxes.

Sec. 30. It shall be the duty of the clerk annually on the second Monday of June, to lay the assessment roll before the Trustees, who shall meet on that day at the office of the clerk, for the purpose of hearing appeals from the proceedings of the assessor, on any such appeal being made to said Trustees by any person feeling himself aggrieved, they shall have power to alter and correct such assessment roll as justice may require. Assessment roll.

Sec. 31. When such assessment roll shall be finally completed, the Trustees shall cause to be levied, such amount of tax as shall have been determined to be raised and shall set opposite to each description and valuation of taxable property, the amount of tax charged upon such property, and to each person respectively, and when such tax list shall have been so completed, they shall forthwith cause a true copy thereof to be made, and a warrant annexed thereto and deliver such tax list, and warrant to Levying taxes]

the Marshall of said village as hereinafter provided, and the original assessment roll and tax list shall be deposited with the Treasurer of said village.

Warrant to
marshal.

Sec. 32. The warrant annexed to any tax list delivered to the Marshall as aforesaid shall be signed by the President and countersigned by the clerk of said village or in the absence of the President, such warrant shall be signed by a majority of the Trustees, such warrant shall command the Marshal to collect the taxes mentioned in such tax list within sixty days, and pay over the same to the Treasurer of said village, and make return of said warrant to the said Treasurer.

Duty of mar-
shal.

Sec. 33. Upon the receipt of the tax list aforesaid, it shall be the duty of the Marshal to give public notice in a newspaper published in said village if there be one, otherwise by posting up written notices in three public places in said village that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing such notice, and all taxes paid during said thirty days, shall be subject to a deduction of five per centum upon the amount paid.

May sell goods
&c.

Sec. 34. If the taxes are not paid to the Marshal within the said term, he may then proceed to collect the same by distress, and sale of the goods and chattels of the person charged, giving six days notice of the time and place of such sale by written notices, set up in three public places in said village.

Return of
warrant.

Sec. 35. It shall be the duty of such Marshal, within the time prescribed in any such warrant for the return thereof to pay over all sums collected by him to the Treasurer of said village and to return such warrant to the said Treasurer with his return thereon subscribed by him and specifying any such sum or sums of money not collected by him, by reason of his being unable to find property in said village out of which he could collect the same, and if any sum be returned not collected by him, his return shall be accompanied by his affidavit that the facts therein set forth are true.

When taxes
remain un-
paid.

Sec. 36. In case the tax on any lot or other parcel of land shall remain unpaid on the first day of October, it shall be the duty of the Treasurer within ten days thereafter, to make out a general advertisement stating that all lots or other parcels of land upon, which the taxes have not been paid, will be sold by him on the first Monday of December following at his office in said village for the

purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which may accrue by advertisement, and sale agreeable to the provisions of this act, said advertisement shall be published three weeks successively, in a newspaper published in said village if there be one, otherwise in some paper printed in an adjoining county.

Sec. 37. On said first Monday of December, the Treasurer shall at 10 o'clock A. M. of said day commence the sale of lands and lots, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes, interest and charges due, assessed and charged thereon, agreeably to this act, and the Treasurer shall give to the purchaser of any lot or piece of land, a certificate of the lots or lands purchased, stating the sum paid therefor, including fees, and the time the purchaser or purchasers will be entitled to a deed.

When to sell
land for taxes.

Sec. 38. Said Treasurer shall immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said village, all affidavits, notices and papers in relation to such tax sale to be filed in the office of said clerk, also a statement containing a particular description of each lot or parcel of land so sold by him specifying the name of the purchaser, the amount for which the same was sold, and the name of the owner if known, and the said Treasurer and clerk shall record such statement in a book kept for that purpose by each of them in their respective offices.

All papers relative to sale to be deposited with clerk.

Sec. 39. If the person claiming the title to the lots or parcels of land so sold and described in said certificate given by the Treasurer, shall not within two years from the date thereof, pay to the Treasurer for the use of the purchaser, his, heirs, or assigns the sum mentioned in said certificate together with the interest thereon, at the rate of twenty five per centum per annum from the date of such certificate, the treasurer shall at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lots or parcels of land so sold which conveyance shall vest in the person or persons to whom the same shall be given, an absolute estate in fee simple, and the said conveyance shall be conclusive evidence that the sale, and all the proceedings from the assessment up, were regular according to the provisions of this act, and any such conveyance executed by the Treasurer under his hand, and the seal of said corporation in the name and on behalf of said village, and the execution thereof witnessed

Time for redemption.

and acknowledged as by law in other cases provided, may be given in evidence and recorded in the same manner, and with like effect as a deed regularly acknowledged by the grantor, may be given in evidence and recorded; *Provided*, That in case of assessment of taxes in gross upon any lot or piece of land, the Treasurer upon the application of any person, shall receive the taxes upon any part thereof either divided or undivided, either in payment or redemption, with the interest and charges thereon proportionate to the quantity of such part, and the remainder of such taxes, interest and charges shall be a lien only on the remainder of such lot or parcel of land.

Proviso.

Shall advertise before conveyance.

Sec. 40. In all cases before lands shall be conveyed as aforesaid, the Treasurer shall advertise the same by a correct description thereof for four weeks in some newspaper published in the village if there is one, otherwise in a paper published in an adjoining county, stating that all such lots or parcels of land will be forfeited, if the taxes, interest and charges upon the same are not paid before the day mentioned in such notice.

Charge for advertising.

Sec. 41. All lots or lands which shall be advertised for sale for non payment of taxes, shall be subject to a charge of five cents for each lot or piece of land so advertised, for the first advertisement and each lot or piece of land, which shall be sold as aforesaid shall be chargeable with the following fees, for each certificate given to a purchaser at such sale five cents for certifying the amount necessary to redeem any lot or piece of land five cents, and one dollar for each conveyance, executed in pursuance of this act, the said fees to be paid by the person receiving such instrument, the charge for advertising the forfeiture of a lot or piece of land shall be ten cents for each.

Sec. 42. If any person who shall purchase any lot in Pursuance of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land the person redeeming, the same shall pay to the Treasurer the amount of such tax with interest at the rate of twenty five per centum per annum, for the benefit of the purchaser.

Improving of streets.

Sec. 43. The street commissioner of said village shall under the direction of the President and Trustees superintend the grading, paving and improving of streets, and the building and repairing of side walks, and the expenditures of taxes levied and collected for such purposes and shall receive such compensation for his services as shall

be allowed by the Trustees under the provisions of this act.

Sec. 44. If any election provided for in this act shall for any cause not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending, or absolving the said corporation, but such election may be held at any time thereafter by order of the Supervisors of the town, otherwise by order of the Trustees of said village of which time, ten days public notice shall be given and further if any of the duties enjoined by this act at a time herein specified, or specified by any Ordinance of said village are not then done, the Trustees of said village may appoint another time upon which the said duties may be done.

When an election shall fail to be held.

Sec. 45. The Trustees shall have power to appoint, and at their pleasure to remove the following officers to wit: one chief engineer of the fire departments, two fire wardens, one surveyor, one sealer of weights and measures, sextons, and keepers of burial grounds and a street commissioner, prescribe their duties, and fix their compensation, and to impose and enforce in law such penalties as to the said Trustees may seem proper for any Malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of such of them, as may be deemed expedient and necessary by the Trustees.

What officers may be appointed.

Sec. 46. A majority of the Trustees shall be a quorum for the transaction of business; but a less number may meet and adjourn from time to time until a quorum shall be present, but shall do no other business, and in the absence of the President, five Trustees being present one of their number may be appointed chairman pro tem.

Quorum.

Approved, March 29, 1853.

An Act to authorize the erection and maintainance of a boom on the Menomonee River.

Chap. 128.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. John B. Jacobs, his associates, successors and assigns are hereby authorized and empowered to erect and maintain a boom on the Menomonee river, extending from such point in Section No. six (6) in Township No. thirty north, and Range No. twenty-four, east, on the south shore of said river, as may be best adapted for that

purpose, to either or both of the islands in said section; *Provided*, That in the erection of such boom, a good and sufficient channel for navigation shall be left unobstructed between said islands and the north shore of said stream.

Sec. 2. This act shall take effect from and after its passage.

Approved, March 29, 1853.

Chap. 129.

An Act to Incorporate the Platteville Mining Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. James S. Woodcock and George A. Rosemyer their associates and successors are hereby constituted a body politic and corporate by the name and style of the Platteville Mining Company, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto in all courts of law and equity, may have a common seal and may enjoy all the privileges incident to corporations for the purpose of Mining at their diggings on the north east quarter of section fifteen, town three, range one west in the county of Grant.

Powers of corporation.

Sec. 2. Said corporation shall have power to run such a level as may be necessary for the proper draining of said diggings and to erect such causeways and fixtures as may be necessary for the proper working of the same, and may take and use any land adjoining or adjacent thereunto, which may be necessary for the purpose of constructing said level or necessary fixtures, not exceeding eight feet in width along the line of said level; doing thereunto no unnecessary damage. Subject also to the payment of such compensation therefor as the said corporation may have agreed to pay, or as shall have been ascertained as herein after directed.

Settlement for damages.

Sec. 3. In all cases of claim for damages by owners or owners of premises through which said Company shall run said level or erect fixtures thereto, said Company shall make a reasonable proposition for amicable adjustment. If said propositions are rejected by said claimant or claimants. Then the parties shall choose one man each who shall unitedly choose a third, these three men thus chosen, shall proceed immediately to determine the amount of damage justly due to said claimant or claimants, and the amount so awarded shall be paid by said company forth with, and neither party shall have the privilege of appeal from said decision.

Sec. 4. This act is hereby declared to be a public act and the same shall be construed favorably in all courts and places whatsoever and the same shall take effect and be in full force from and after its passage.

Approved, March 29, 1853.

An Act to authorize, the Electors of the town of Fond du Lac, to hold their Elections, and transact their town business, within the corporate limits of the city of Fond du Lac.

Chap. 130.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town board of Supervisors of the town of Fond du Lac, are, and they are hereby authorized, and empowered, to open and hold the polls for any election, required to be opened, and held in said town, at any point or place within the corporate limits of the city of Fond du Lac, which said board may select; *Provided*, said board of Supervisors, shall have first obtained, the consent of the City Council of the city of Fond du Lac.

Who shall open polls.

Sec. 2. It shall be lawful for the Electors of said town, to cast their ballots, for such officer or officers required to be elected at any town meeting in said town, and for such officer or officers, required to be elected at any general or special election in this State, at said polls opened as aforesaid, within the city of Fond du Lac; and further to transact such town business, at the place so fixed upon in said city, which they might lawfully transact, within said town of Fond du Lac; *Provided*, They shall have first obtained the consent of said city as hereinbefore provided.

What officers shall be elected.

Sec. 3. The provisions of Chapter six (6) of the Revised Statutes, prescribing the manner of conducting general elections, shall apply to all elections held in pursuance of this act, except that of section twenty eight (28) in said chapter requiring each elector, to vote in the town or ward when he resides, and except that of section (31), in said chapter, which requires that in case a person offering to vote shall be challenged, such person so challenged, shall swear that he is now a resident of the town or ward, where he offers to vote; *Provided*, That in case any person offering to vote at said polls opened and held as aforesaid, shall be challenged, before his vote shall be received, he shall swear in addition to the matters required

What statute shall apply.

to be sworn to, in said section 31, in said chapter 6, that he is a resident of the town of Fond du Lac.

Sec. 4. This act, shall take effect, and be in force from and after its passage.

Approved, March 29, 1853.

Chap. 131.

An Act to amend an act entitled an act, to authorize Joseph Bailey and John Marshall, to build and maintain a Bridge across the Wisconsin river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That Joseph Bailey, John Marshall, Joseph Kendrick, J. M. Darrow, Jonathan Bowman, Archibald Montgomery and Edward Norris, their associates, successors and assigns, are hereby authorized to erect, build and maintain a bridge across the Wisconsin River, near the mouth of Dell Creek viz: on the west side of said creek, on lot number three of section number fifteen, township number thirteen north of Range number six east, and thence across to the opposite side of the Wisconsin River.

Sec. 2. The said Bailey, Marshall, Kendrick, Darrow, Bowman, Montgomery and Norris and their associates, executors, administrators and assigns, shall have power for the term of ten years after the completion of the bridge to demand and collect for the crossing of said bridge the following rates of toll to wit: for any vehicle, drawn by two horses or oxen twenty five cents, for any vehicle drawn by one horse fifteen cents, and for each additional horse or ox five cents; for all animals in droves of less than fifty head, two cents each, and for all over fifty, one cent each; *Provided*, That hogs and sheep shall not be charged more than one cent per head.

Sec. 3. They shall keep posted up in some conspicuous place, on said bridge, a list of the rates of toll allowed by this act.

Sec. 4. Said bridge shall be constructed with a draw of fifty feet, capable of letting steamboats and other water crafts, pass and repass through the same without delay, and shall in no manner interrupt the free navigation of said Wisconsin River.

Sec. 5. This act may be altered, amended, or repealed by any future Legislature of the State of Wisconsin.

Approved, March 29, 1853.

An Act to Incorporate, the Nemahbin and Pine Lake Plank and Turnpike Road Company.

Chap. 132.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. William S. Cox, William S. Scharhardt, Albert Alden, Orson Reed, Francis Schrdenback, Wm. M. Japques, George R. McLane, John S. Rockwell be and they are hereby appointed Commissioners under the direction of a majority of whom subscriptions may be received to the Capital Stock of the Nemahbin and Pine Lake Plank and Turnpike Road Company ; and they shall cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the Capital Stock of said Company, first giving thirty days notice of the time and place of taking said subscription by publishing the same in a newspaper in the county of Waukesha.

Commissioners.

Sec. 2. All persons who shall become stockholders pursuant to the provisions of this act, are hereby created a body corporate in law, with perpetual succession, by the name and style of the Nemahbin and Pine Lake Plank and Turnpike Road Company, for the purpose of constructing a Plank and Turnpike Road from the village of Delafield, through the town of Delafield, to the Millwaukee and Watertown plank road, at or near the public house of Francis Shronckenback, and shall have power to connect with other plank and turnpike roads, at such places as the Board of Directors may determine.

Created a body politic.

Sec. 3. The said Company shall have power to sue in all courts, to receive by gift or purchase, and hold all such real or personal estate as may be necessary for the construction and management of said road, and to contract and be contracted with, in all matters pertaining to the object of said road, to have and to use a common seal, and pass all by-laws for the government of said Company for the regulation of the road and the travel thereon.

May hold real estate.

Sec. 4. The said Company shall have power to, and may in their corporate capacity and name, make and execute to any person or persons, or body politic or corporate any and all writings, notes, bonds, or other papers of any kind and amount, as security for the loan of any money borrowed by said Company, of any person or persons, or body politic or corporate, and for any rate of interest, which may by agreed upon between the parties ; all of

May execute bonds, &c.

which said Company is hereby authorized to do, any law of this State to the contrary notwithstanding.

Capital stock. Sec. 5. The Capital Stock of said Company shall be ten thousand dollars, to be divided into shares of twenty five dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said Company.

When stock-holders shall meet and their duties. Sec. 6. Whenever one thousand dollars of the Capital Stock of said Company shall be subscribed, it shall be the duty of the commissioners named in this act to call a meeting of the stockholders, at such time and places as they shall designate, by giving public notice in the newspaper printed in the county of Waukesha, for the purpose of choosing five Directors, and the persons then chosen, shall be the first Directors of said Company and shall hold their offices for one year, and until others are chosen in their stead, the Board of Directors shall choose one of their number as President of the Company, who shall also hold his office for one year, and until his successor is elected. At any and every election of Directors of said Company, each stockholder shall be entitled to one vote for every share of Capital Stock he shall hold, and may vote in person or by proxy.

May construct single or double track. Sec. 7. The Company so organized shall have the right to locate and construct a single or double track plank and turnpike road, between the points mentioned in the second section of this act, or any part of the distance. The track of said road shall be constructed of plank, gravel or charcoal, so as to have a hard, smooth, and even surface, the particular manner of building said road to be determined by the Board of Directors.

Sec. 8. This act shall be in force, from and after its passage.

Approved March 29, 1853.

Chap. 133.

An Act to incorporate the Sun Prairie Seminary,

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Style and power of corporation. SECTION 1. That Moses Rowley, Robert Beachum, Charles Bird, Timothy Corey, A. P. Bentley, Charles S. Peasley, Joseph Knight and J. B. Rowley, together with such other persons as may hereafter be associated with them, be, and are hereby created a body corporate and politic with perpetual succession, to be styled by the

name and title of the "Sun Prairie Seminary;" by which name they and their successors shall be ever known, and shall have power to sue and be sued, to contract and be contracted with, to plead and be impleaded, defend and be defended in all courts of law and equity. Said corporation shall have a common seal, and shall have power to acquire, possess, purchase, receive, hold and enjoy property, real and personal, and to sell and convey, rent or otherwise lawfully dispose of at pleasure.

Sec. 2. The stock of said company shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as shall be directed in the by-laws of said corporation. Stock deemed personal property.

Sec. 3. Any three of the above named persons shall have power to call a meeting of said association by giving ten days notice thereof, by posting up notices in three different places in the village of Sun Prairie, where said corporation is hereby located. Who may call meeting.

Sec. 4. At the first legally notified meeting the stockholders shall have power to elect by ballot, six trustees, with power to increase them at any future annual meeting, to eighteen, two thirds of whom shall be members of a Baptist church, or churches, in full fellowship. One third of said trustees first elected, shall hold their office one year, one third two years, and one third three years, so that one third of the trustees may be elected annually: *Provided*, All trustees shall hold their office until others are elected in their stead. Election of trustees.

Sec. 5. At all elections, and meetings of the corporation, each stockholder shall be entitled to one vote for each share of stock owned by him.

Sec. 6. The trustees shall have power, first; to elect of their number a president, secretary and treasurer, and all other subordinate officers of the corporation; second, to call special meetings of the stockholders to fill vacancies in the board of trustees; third, to sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation, in such manner as shall be directed by the stockholders, also to erect and keep in repair all necessary buildings for the use of said corporation; fourth to employ suitable teachers, prescribe and direct the course of study and discipline to be observed in said seminary; fifth, to prescribe the duties and fix the salaries of all the officers of said corporation, and to remove and suspend them from office for incapacity, immoral conduct, Trustees to elect officers.

or misbehavior in office and appoint others in their stead; sixth, to make all such regulations and by-laws necessary and proper to carry into effect the powers herein granted, and not inconsistent with the laws of this State.

Sec. 7. No national or religious test, or qualifications shall be required of any teacher or student of this association.

Sec. 8. This Act may be amended or altered by any future Legislature.

Approved, March 29, 1853.

An Act to authorize the State Superintendent of Public Instruction to apportion the school money to La Crosse County the past year, according to the number of scholars reported.

Chap. 134.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Superintendent of Public Instruction is hereby authorized to apportion the school money to La Crosse County, according to the number of scholars reported the past year.

Approved, March 29, 1853.

An Act to provide for laying out a State road therein named.

Chap. 135.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Otis Hoyt, John O. Henning, and M. M. Samuel, be, and they are hereby appointed Commissioners to lay out and establish a State road, commencing at the Falls of St. Croix, running thence to the mouth of the Namekagon river, three miles above the termination of the Meridian State line, thence up the St. Croix river, to Township 47, north of Range 8, west, thence to La-point on Lake Superior: *Provided*, No portion of said expense shall be paid by the State.

Approved, March 29, 1853.

An Act to incorporate the Wisconsin Mining Company.

Chap. 136.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Cyrus Woodman, Cadwallader C. Washburne and Charles L. Stephenson, and their associates and successors, are hereby constituted a body corporate and

politic, by the name and style of the "Wisconsin Mining Corporation—Company," and by that name may sue and be sued, plead powers of. and be impleaded, and answer and be answered unto, in all courts of law and equity, may have a common seal, and the same alter at pleasure, and may enjoy all the privileges incident to a corporation for the purpose of mining, smelting or manufacturing lead or other metals, and the ores thereof, in the county of Iowa.

Sec. 2. Said corporation shall have power to purchase, hold and convey real estate: *Provided*, That the cost of the real estate held by said company at any one time, shall not exceed one hundred thousand dollars.

Sec. 3. The first meeting of said corporation may be Meeting, how called. called by the persons named in this act, or by a majority of them, at such time and place as they shall designate, and at such meetings, and at all other meetings duly notified, such corporation may make and alter such by-laws, rules and regulations, for the management of the business of said corporation, as a majority may direct, not repugnant to the laws of this State, nor of the United States.

Sec. 4. Said corporation may divide their stock into as many shares, and provide for the sale and transfer thereof, in such manner as said corporation shall from time to time deem expedient.

Sec. 5. This act is hereby declared to be a public act, and the same shall be construed favorably in all courts and places whatever; and the same shall take effect and be in force from and after its passage.

Approved, March 29, 1853.

An Act to authorizing the County Supervisors of Manitowoc County to borrow money for the purposes therein named.

Chap. 137.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Manitowoc county are hereby authorized to borrow a sum of money not exceeding five thousand dollars for the purpose of aiding in the erection of County buildings in said county. May borrow money.

Sec. 2. For the purpose of carrying out the provisions of the next preceding section said Supervisors are hereby authorized to issue the bonds of such county of such denomination, bearing such interest not exceeding ten per cent., and payable at such time and place as they may deem advisable, not exceeding twenty years from the date of such bonds. May issue bonds.

How issued. Sec. 3. Said bonds shall be issued under the seal of said Board of Supervisors, signed by the chairman, and countersigned by the clerk of said county Board, and may be negotiated by such person as said Board shall authorize in writing under their hands and seal for the purpose.

Tax levied. Sec. 4. It shall be the duty of said Board of Supervisors to levy such sum annually as will be sufficient to pay the interest on said bonds, which amount shall be levied and collected in the same manner as other county taxes are levied and collected, and the good faith of said county shall stand pledged for punctual payment of the interest on said bonds, and their ultimate payment at the expiration of the time for which such loan may have been obtained.

Sec. 5. At or before the time when said bonds become due it shall be the duty of said Supervisors to levy a tax sufficient to pay the same.

Sec. 6. This act shall be favorably construed to effect the purpose for which it is intended.

Approved, March 29, 1853.

Chap. 138.

An Act to amend an act entitled an act to incorporate the Watertown and Berlin Railroad Company. Approved, February 11, 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Style and powers of corporation. SECTION 1. The Watertown and Berlin Railroad Company created by the act entitled "an act to incorporate the Watertown and Berlin Railroad Company," approved February 11, 1853, be and the same is hereby declared a body corporate and politic, and in addition to the usual powers of a corporation shall have, hold, possess and exercise all the powers set forth and contained in the said act of incorporation, and William M. Dennis, Patrick Rogan, Jonathan A. Hadley, Thomas McMahan, William Chappell, John Lowth, Clark Lawton, S. L. Rose, Abraham Ackerman, John W. Davis, William E. Smith, M. S. White, Ezra Wheeler, A. W. Hackley and Benjamin B. Spaulding, be and they are hereby appointed the first Board of Directors of the said Railroad Company, and as such Directors they are hereby clothed with all the powers of the said act of incorporation, and shall continue to exercise the same until the first Wednesday in February next, and until others are elected.

Sec. 2. The first meeting of the Board of Directors of said Company shall be held at Porter's Tavern in the village of Fox Lake, on the second Tuesday of April, A. D. 1853, at ten o'clock in the forenoon of that day. When meeting held.

Sec. 3. Each director of the said Railroad Company appointed by this Act, who shall not on or before the meeting of the said Board of Directors, on the second Tuesday of April, subscribe for and actually pay in five per cent. on two thousand dollars of the capital stock of the said Railroad Company, his office shall become vacant, and a majority of the remaining directors who have subscribed and paid as aforesaid, shall fill up the vacancy in said Board by the appointment from the Stockholders in their places. Directors shall subscribe and pay per cent on stock.

Sec. 4. This act and the act to which this is amendatory, shall be in force from and after its passage, and so much of the act entitled an act to incorporate the Watertown and Berlin Railroad Company, approved February 11th, 1853, as conflicts with the provisions of this act be and the same is hereby repealed; and the said company is hereby duly organized without conforming to the provisions of the act of which this is amendatory farther than as herein above prescribed.

Approved, March 29, 1853.

An Act relating to the village of Palmyra.

Chap. 139.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part of East Main Street in the village of Palmyra, Jefferson county, lying North and East of First Street, be and the same is hereby vacated.

Sec. 2. This act shall be in force from and after its passage.

Approved, March 29, 1853.

An Act to vacate a part of an addition to a town therein named.

Chap. 140.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all Joseph M. Marshall's addition to the Town of Benton, situated on the west half of the south west quarter of Section No. nine, in Township No. one east, in La Fayette county, (except lots No. 5, 6, and 7 in Block No. one, and lots No. 5 and 6, in Block No. Google

five, and Block No. seven, and Main street, and that part of seventh street, adjoining Block No. 1,) be, and the same is hereby vacated and the proprietor and his assigns are hereby restored to all their rights to said land, as though said addition had not been laid out.

Sec. 2. This act shall take effect from and after its passage.

Approved March 29, 1853.

Chap. 141.

An Act to Authorize William Duntan to construct and maintain a dam and boom across the Wisconsin River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Authority to
construct a
dam.

SECTION 1. William Duntan, his associates, successors and assigns, are hereby authorized and empowered to construct and maintain a dam across the Wisconsin river, commencing at a point on the north east quarter of the south east quarter of Section eight, (8,) in Township twenty three, (23,) north of range eight, (8,) east of the fourth principal meridian, thence across what is called and known by Raftsmen as the "Hay Hole," being a part of said river, to a small rock island, or clump of rocks, in a north-westerly direction, about fourteen (14) rods across one of the channels of said river, immediately below the chute known as the chaurette chute, to a large cluster of rocks near the centre of the river.

To construct a
boom.

Sec. 2. The said William Duntan, his associates successors and assigns are hereby authorized to construct and maintain a boom on said river, extending from the cluster of rocks or small island first above referred to, up said river, about one hundred rods, keeping nearly parallel with the east bank, and thence across the river to the west bank thereof.

Sec. 3. Said dam shall be construed in all respects, in accordance with, and be subject to all the provisions, requirements and restrictions of chapter sixty-two of the session laws of the year 1849.

Sec. 4. If the said dam and boom when so constructed or while in process of construction shall interfere with or obstruct the downward navigation of said river with rafts or boats, the same shall be deemed a public nuisance, and subject to be removed by any person injured thereby.

Approved, March 29, 1853.

An Act to incorporate the Milwaukee, Waukesha, Jefferson and Madison Railroad Company.

Chap. 142.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That Charles H. Wheeler, J. D. Webster, Commissioners. Duncan C. Ceed, Wm. H. Hawkins, Alanson Sweet, William A. Barstow, Elisha W. Edgerton, Alonzo Wing and Leonard J. Farwell be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Milwaukee, Waukesha, Jefferson and Madison Railroad Company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions, by publishing the same in some public newspaper printed in the counties of Milwaukee, Jefferson and Dane.

Sec. 2. The capital stock of said company shall be Capital stock. two millions of dollars, and shall be divided into twenty thousand shares of one hundred dollars each, and as soon as four hundred shares shall have been subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall become stockholders in conformity with the provisions of this act, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of the Milwaukee, Waukesha, Jefferson and Madison Railroad Company, and by that name shall have perpetual succession and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, and conveying estate, either real, personal or mixed, they may make, have, and use a common seal, and alter, break, or renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform, for the well being of the said corporation.

Sec. 3. The said commissioners or a majority of them, after the said four hundred shares of stock are subscribed, shall close the books of subscription and shall give at least thirty days notice in the newspapers herein before Stockholders to choose directors,

mentioned, of the time and place by them appointed for the stockholders to meet for the purpose of electing thirteen directors, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Affairs of corporation managed by directors. Sec. 4. All the affairs of the said corporation shall be managed by a board of thirteen directors, who shall be stockholders, and who are hereby invested with all the powers of the said corporation; they shall be chosen annually by ballot, at the annual meeting of the stockholders, which shall be held on the first Wednesday of February, by the stockholders of the said company, on like notice as herein prescribed for the first election of directors; the votes shall be delivered in person or by proxy duly authorized, and in all cases in which stockholders shall vote, each share of stock shall be entitled to one vote; and in all elections of directors, those stockholders equal to the number to be elected, having the greatest number of votes, shall be deemed and declared duly elected; the elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If from any cause an election of directors shall not be held at the time when by the provisions of this act it should be had, the same may be had at any other time, on thirty days notice to be given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act; and the corporation hereby created shall not forfeit or lose any of its privileges, franchises, or immunities by the reason of the irregularity or want of such election. The board of directors may at any time increase or diminish the number of directors to be elected at the next annual meeting of the stockholders: *Provided*, The number shall not be less than five nor more than fifteen, and in case of such increase or diminution, the number to be elected shall be specified in the notice of election.

Quorum. Sec. 5. A majority of the board shall constitute a quorum for the transaction of any business; they shall meet at such times and places, and be convened in such manner as they shall decide upon; they shall elect by ballot one of their number to be President, who shall, when present, preside at all meetings of the directors, and when absent the directors may appoint a President pro tem. The board of directors shall appoint a Secretary, Treasurer, and such engineers, superintendents, agents, and other officers as they may find necessary, fix their

Officers, how elected, duties, &c.

compensation, and may demand adequate security for the faithful discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board; the directors shall have power to re-open the books for subscription to the capital stock of the company, or open new books under their own direction, or the direction of a majority of them, or under the direction of such person or persons as they may designate, to decide upon the amount to be paid on such subscription, the time and manner and proportions in which the stockholders shall pay subsequent instalments on their respective shares, and to forfeit to the use of the company the share or shares of any person failing to pay any instalments so required; to regulate tolls and charges for the transportation of freight and passengers; to make such covenants, contracts, and agreements with any person or persons, co-partnership or corporation whatsoever as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company for the leasing or purchase of the whole or any part of any railroad, constructed or to be constructed by such railroad company; to make and establish such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all of the operations, receipts, disbursements, and all other affairs and proceedings of said company.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the President and Secretary, and sealed with the common seal of the company, subject however to all the payments due and to grow due thereon, which stock shall be transferable in such manner as shall be provided by the by-laws of the company.

Directors to deliver certificates to stockholders.

Sec. 7. At each annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to the stockholders a complete statement of the affairs and proceedings of the company for such year; special meetings of the stockholders may be called by order of the board of directors, or by stockholders holding one fourth in amount of the capital stock, on

Statement of affairs, when and how made.

like notice as that required for annual meetings, specifying the object of the meeting.

**Powers of
company in
constructing
and locating
road.**

Sec. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from such eligible point in the fifth ward of the city of Milwaukee, by Waukesha and Jefferson, to such eligible point in the village of Madison as shall be determined upon by the said board of directors, and the said company shall have power to transport, take, and carry property and persons upon said road, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of the same, and to make, construct, put in operation all such turnouts, side tracks, and connecting tracks, as they shall think will promote the interest of the company, warehouses, car houses and shops, engine shops, toll houses, machine shops, and all other fixtures useful for the accommodation of said road and of those using it, to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running said road, and they shall have power to connect the said railroad with any other railroad or branch railroad company in contact therewith, and to operate the same with such other railroad or branch railroad, and to lease or purchase from any other railroad company the whole or any part of any railroad or branch railroad owned by such company, or to lease or to sell to any other company the whole or any part of the railroad, or any of its branches to be built or owned by this company.

**May borrow
money.**

Sec. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, any law upon the subject of usury in this State to the contrary notwithstanding, and to make, execute and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities, in amount and kind as may be deemed expedient by said corporation in consideration of any such loan or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road, and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely: the construction of a railroad from and to the points aforesaid, are hereby retified and confirmed, and the contracts and

official acts of said company are declared binding in law and equity upon said corporation and upon all other parties to such contracts.

Sec. 10. If said corporation shall not, within three years from the passage of this act, commence the construction of said road, and in ten years from the time aforesaid complete the same, then the rights, privileges and powers of said corporation under this act shall be null and void.

Commence-
ment and com-
pletion.

Sec. 11. It shall be lawful for said company, their officers, engineers, and agents, to enter upon land for the purpose of exploring, surveying, and locating the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such land, not exceeding one hundred feet in width along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided in such cases respectively, and it shall further be lawful for said company, by their officers, engineers, and agents, to enter upon lands adjacent to the railroad, beyond the limits provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation of the business of said road, for the purpose of making drains and giving a proper direction to water courses across or along said road, and when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the full use of said road, and to deposit earth, gravel, and stone taken from deep cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage; and all damage which shall be done to any lands or property under the provisions of this section shall be ascertained and paid for in the manner and agreeably to the provisions of this act, and when such damage shall have been paid or tendered, the title to the land occupied by such buildings, fixtures, excavations and embankments shall vest in fee simple in said company, agreeably to provisions of this act, and it shall further be lawful for said company to purchase and hold in fee simple lands adjoining or adjacent to the

Right of com-
pany to enter
upon and ex-
plore lands.

Damages how
arranged.

railroad, for the purpose of procuring earth, gravel, or other materials for embankments and structures necessary to the construction and repairs of said road and necessary buildings, and whenever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

Sec. 12. The said company shall have the right to enter upon any lands required for their use as provided in the eleventh section of this act, and to survey and lay out said road, not exceeding one hundred feet in width, and the said company shall, if possible, agree with the owner of said lands as to the amount of compensation to be paid for said lands, whether such persons shall own or possess the legal or equitable title to the same or any lien or incumbrance on the same, and if the person or persons owning or possessing the legal or equitable title, lien, or incumbrance shall be a minor, non compos mentis, insane, or married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman, and if said company cannot agree with such owner or with such guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit: The said company shall select a disinterested arbitrator, and such owner, guardian or husband shall select another, who shall be disinterested and not of kin to him, or if they should neglect or refuse for the space of three days after being notified by said company so to do, or if they be non-residents of this State, they shall be notified by mail by letter signed by the Secretary and addressed to their usual place of residence, to select such arbitrators, and if they shall refuse or neglect for the space of sixty days after mailing such letter, then in all cases of neglect or refusal as aforesaid, the Judge of the County Court or chairman of the county Board of Supervisors of the county in which such land shall lie shall appoint three competent persons to act as arbitrators, who shall not be of kin to the claimants or in any manner interested in said company, and the said arbitrators, having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said company to such persons for the land so taken, and shall deliver a copy of their award in writing to each of the parties, and if the amount awarded by said arbitrators shall be more than said company had previously offered to pay, then said company shall pay all the expenses of

Width of
road.

When corpo-
ration and
owners of land
cannot agree
as to compen-
sation.

said arbitration, and if it shall be less then the other party shall pay such costs, and either party may within ten days after receiving a copy of such award appeal from the same to the court of proper jurisdiction for the county in which such land is situated, by giving written notice of such appeal to some one of the arbitrators, and upon receiving such notice of appeal it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said case on its docket, setting down the claimant or claimants as plaintiffs and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were by this act required to take into consideration, and the said court shall thereupon proceed to render judgment in favor of said claimant against said company, and if the amount so found for said claimant shall exceed the amount so found by said arbitrators, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said arbitrators, then judgment shall be rendered in favor of said company for costs and against said claimant; and when such compensation, so to be ascertained according to the provisions of this act, shall be paid or tendered to the party entitled to the same, the title to said lands shall vest in said company in fee simple, and a copy of such award or judgment filed in the office of the Register of Deeds of the county in which the lands lie, shall be sufficient evidence of such title, and the said company shall have full power and authority, pending all such proceedings and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possession of said lands for all the lawful purposes of said corporation, and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment by any proceeding, either at law or equity. The said arbitrators, before entering upon their duty, shall severally take and subscribe an oath to faithfully and honestly perform the duties of their appointment, which oath shall be returned with their award.

Sec. 13. The said company may construct the said railroad across any public or private road, highway, stream of water or water course, if the same shall be necessary, but the said company shall restore such road, May cross highways.

highway, stream of water or water course, to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, stream of water or water course, to the owner or to the public.

May receive
money for
freight, &c.

Sec. 14. On the completion of said railroad, or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money, for passage and freight of persons and property, as they shall from time to time think reasonable.

Penalty for in-
juring or ob-
structing
road.

Sec. 15. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building, or machinery attached to or in use upon the same, belonging to said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road, such person or persons so offending shall each of them for every such offence forfeit and pay a sum not exceeding three times the amount of the damages caused by such offence, which may be recovered in the name of said company, by action of debt in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Shall fence the
road.

Sec. 16. The said company, before opening their road through enclosed grounds, shall erect such fencing as shall preserve such enclosure entire, and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of their road through such enclosed grounds, and shall maintain the same.

Sec. 17. This act is hereby declared to be a public act, and shall be favorably construed to effect the purpose thereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof in all cases.

Sec. 18. This act shall take effect, and be in force from and after its passage.

Approved March 29, 1853.

An Act to amend Chapter 431 of the Session Laws of 1852.

Chap. 143. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Chester Buel, James McNulty, George Dwsold and Ole Oleson are hereby appointed commis

sioners in addition to the commissioners named in the first section of the act of which this is amendatory. Commissioners.

Sec. 2. The commissioners hereby appointed shall possess the same powers as the original commissioners now possess by virtue of the provisions of said Chapter and shall comply with the same requirements as far as practicable, and a majority of the commissioners herein and therein named shall constitute a quorum for the transaction of business. Powers.

Sec. 3. All acts of the commissioners named in the first section of the act of which this amendatory in assessing lands and lots, in levying and collecting the taxes, in making returns of delinquent lands, are hereby legalized and declared valied, and the town clerk of any town to whom any list of delinquent lands shall have been, or shall hereafter be returned by said commissioners as delinquent, who shall have neglected to place such delinquent taxes in the roll as required by said Chapter 431, shall place the same in the tax roll of the present year in the same manner as required in said Chapter, and said delinquent taxes shall be collected in the manner therein provided.

Sec. 4. This act shall take effect immediately.

Approved, March 29, 1853.

An Act to Incorporate, the Portage City Protection Insurance Company.

Chap. 144.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. N. H. Wood, C Crocker, A. B. Alden, J. J. Gnppey, Geo. Griswold, A. G. Cook, J. T. Lewis, and all such other persons as shall become stockholders in the Capital Stock hereinafter mentioned, their successors and assigns shall be, and are hereby constituted and made a body politic and corporate, by the name and style of the "Portage City Protection Insurance Compan." The office of said Company shall be at or in the immediate vicinity of Portage City, Columbia county Wisconsin. Corporators.

Sec. 2. The Capital Stock of said Company shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and there shall be paid into the Treasury of said corporation, by each subscriber to the Capital Stock at the time of subscription, an instalment of five per cent, on the Stock by him subscribed, the remainder to be paid or secured to be paid Capital stock.

on real estate, or other securities, as the commissioners hereinafter mentioned, shall deem sufficient, and until one thousand shares of said stock is subscribed for, and paid, or secured to be paid as aforesaid, said Company shall not commence business.

**Directors how
elected.**

Sec. 3. The stock, property, and affairs of said corporation, shall be managed and conducted by nine Directors, who shall divide themselves into three classes. The term of the first shall expire on the first Monday of April, succeeding their election, or as soon thereafter as others are elected in their stead. The annual election of three Directors shall be held on the first Monday of April, in each year, at such time and place in Portage city, Wisconsin, as the majority of Directors shall appoint, notice of which election shall be given in some public newspaper printed, and of general circulation in this State. Said election shall be held under the direction of three stockholders, appointed by the Directors, and Directors shall be elected by the plurality of the votes of stockholders and their proxies, allowing one vote for each share of stock.

**Duties of
directors.**

Sec. 4. It shall be the duty of the Directors, on organizing the Company, and annually thereafter, to choose out of their number a President, and they may also elect, in the same manner, a Vice President, who shall perform the duties of President in case of death, absence, or inability to act.

**Commission-
ers to receive
subscriptions
stock.**

Sec. 5. N. H. Wood, A. B. Alden and A. G. Cook, shall be commissioners to receive subscriptions to the Capital Stock of said Company; and when the said stock shall be subscribed and paid, or secured to be paid, as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders, by advertisement, published at least twenty days previously in some newspaper published at Portage city, Wisconsin, stating the time and place at which such meeting of the stockholders shall be held, and shall by ballot elect the first Directors of said Company. Said commissioners shall act as inspectors of said election, and if there shall be any deaths or resignations among the commissioners above appointed, then the remainder shall elect others to supply the vacancies so occasioned.

**Powers of
company.**

Sec. 6. The said Company shall have power to make all and every Insurance connected with maine risks, and the risks of transportation and inland navigation, also, upon dwelling houses, stores, and all kinds of buildings, household, furniture and other property, against loss or

damage by fire, and also all, and every Insurance appertaining or connected with Life Insurance, and to cause themselves to be insured when deemed expedient.

Sec. 7. All policies of Insurance or other contract authorized by this act, which shall be made and entered into by this corporation, may be with or without seal thereof and shall be subscribed by the President or Vice President, and attested by the Secretary, and being so signed, executed and attested, shall be binding and obligatory upon said corporation. Policies how attested.

Sec. 8. It shall and may be lawful for the said Company to take and hold any real estate or securities, mortgaged or pledged to the said Company, to secure the payment of any debt which may be contracted with said Company, and to foreclose the same, and to purchase on sales made by virtue of any judgment at law, or by any order or decree of any court of equity, or any other legal proceedings or otherwise; to receive or take any real or personal estate in payment, or towards satisfaction of any debt previously contracted and due to said Company, and to hold the same until they can conveniently sell or convert the same into money or other personal property, and also to invest the Capital Stock, or so much of the surplus profits of the said Company as they may deem fit, in such manner as the Directors shall decide, and call in, and reinvest the same, so often as it shall be deemed necessary for the interest of said Company. May hold real estate.

Sec. 9. The Capital Stock of said corporation shall be transferable, according to the rules and regulations prescribed by the Directors, and every subscriber of any share or shares of said stock, who shall neglect to pay the instalment aforesaid, or to secure the residue of the share or shares by him subscribed, shall forfeit the same to the said corporation, and all payments made thereon, and all profit that may have arisen thereon. Capital stock transferable.

Sec. 10. It shall and may be lawful for the Directors of said Company, to make a dividend of so much of the profits of the said Company as shall appear advisable; but the dividend shall not at any time exceed the amount of clear profits made by the Company, but the Capital Stock shall be and remain unimpaired. Dividends.

Sec. 11. The President and Directors of said corporation, shall have power to appoint such officers and agents as they may find necessary, prescribe their duties, and require bonds for the faithful performance thereof, and may from time to time, adopt such by-laws and regulations for Officers and agents,

the business of said Company, as they may deem expedient. Such by-laws and regulations, not to be inconsistent with the constitution and laws of the United States or of this State.

Approved, March 29, 1853.

Chap. 145.

An Act to amend an act entitled, "an act to authorize the construction of a Bridge across Wolf River at Winneconne.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That section two of an act entitled an act to authorize the construction of an bridge across Wolf river at Winneconne, Approved, March 15, 1851, is hereby so amended as to read as follows, to wit:

That said bridge shall not be less than fourteen feet wide, and shall be constructed with a draw over the channel of the river, not less than sixty feet, which shall be attended at all times so as to allow the free passage, of rafts and all water craft without unnecessary delay.

Approved March 29, 1853.

Chap. 146.

An Act to declare, void, a certain act of the Board of Supervisors of Sauk County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the act of the Board of Supervisors of the county of Sauk in the State of Wisconsin, in dividing, forming and establishing the town of Prairie du Sac, in said county, on the twelfth day of November, A. D. 1852, is hereby declared null and void, and the said town out of which said town was formed, shall be and is hereby restored to its former boundaries.

Sec. 2. This act shall take effect, from and after its passage.

Approved, March 31, 1853.

Chap. 147.

An Act to Incorporate Prescott Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Isaac I. Foster, James M. Bailey, George Shazer, George McMurphy, Orrin T. Maxon, and their associates and successors, are hereby declared and constitu-

Corporators.

ted a body corporate by the name and style of Prescott Academy, to be located in the town of Prescott and county of St. Croix, for the purpose of educating youth.

Sec. 2. Said corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity; it shall have a common seal and may alter or renew the same at pleasure, shall have power to acquire, purchase, receive, possess, hold, and enjoy property, personal and real, and to sell, convey, rent, or otherwise lawfully dispose of the same at pleasure. Powers of corporation.

Sec. 3. The stock of said corporation shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of the corporation, in such manner as shall be prescribed by its by-laws. Stock.

Sec. 4. The business matters of said corporation shall be managed by a board of eleven trustees, a majority of whom shall constitute a quorum, said trustees shall be elected on the first Monday of May next, at one o'clock P. M., at a meeting of the stockholders, to be holden at the house of Isaac J Foster, in the village of Prescott and shall hold their offices for the term of one year, and until their successors are duly elected, each stockholder shall be entitled to one for each share by him owned. After the first election there shall be an annual meeting of the stockholders for the election of trustees, on the first Monday of May, at such place and such hour in said village as shall be designated by the Trustees. Trustees, how and when elected.

Sec. 5. The trustees shall have power to elect a President, Secretary and Treasurer from their number, to fill vacancies in the Board of Trustees, to sell, lease, mortgage or otherwise to dispose of any real or personal property of said corporation, in such manner as they shall deem most conducive to the interests of said Academy, and to make all rules, regulations, and by-laws, necessary to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this State. Trustees to elect officers.

Approved March 31, 1853.

An Act to authorize the County of Brown to aid in the construction of certain Plank Roads.

Chap. 148.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors for the county of Brown are hereby authorized and empowered, and it is

Google

Board of supervisors authorized to subscribe for stock.

hereby made the duty of the said Board, to subscribe in the name of said county to the stock of certain Plank Road Companies hereinafter named, the sum of sixty thousand dollars, to be divided in manner and amount as follows, to wit: the sum of fifteen thousand dollars to the capital stock of a company organized or to be organized to construct a Plank Road from Green Bay to Grand Kaukauna; the sum of forty thousand dollars to the capital stock of a company to be organized to construct a Plank Road from some point in the town of Green Bay, or in the town of Howard opposite Green Bay, to Steven's Point on the Wisconsin river; and the further sum of five thousand dollars to the capital stock of a company to be organized to construct a branch Plank Road to connect the said last mentioned road with the village of Depere; *Provided*, That no stock shall be subscribed as aforesaid by the said Board of Supervisors until the said companies shall have been duly organized, nor until bona fide subscriptions shall have been received to the capital stock of said company to the amount as follows, to wit: the sum of fifteen thousand dollars to the capital stock of a company or companies organized or to be organized to construct a Plank Road from Green Bay to Grand Kaukauna; the sum of forty thousand dollars to the capital stock of a company to be organized to construct a Plank Road from Green Bay to Steven's Point; and the sum of five thousand dollars to construct the said branch to connect the said last mentioned road with Depere; and as soon as either of the said companies shall have become organized as aforesaid, and shall have received subscriptions to its capital stock to the amount hereinbefore specified, then the said Board of Supervisors shall subscribe as aforesaid to the capital stock of said Company, to the amount hereinbefore specified for said company.

May issue bonds.

Sec. 2. To provide for the payment of the subscriptions of the said county of Brown to the capital stock of the said Plank Road companies, the said Board of Supervisors for the county of Brown shall issue the bonds of the said county to the amount of sixty thousand dollars as hereinbefore mentioned; the said bonds shall be made payable in the city of New York, in not less than ten years nor more than twenty years, and shall bear an interest of eight per cent. per annum, payable annually in the city of New York, and shall be received at par in payment of the subscriptions of the said county to the capital stock of the said Plank Road company; said bonds shall be signed by

are issued by the chairman of the Board of Supervisors or the said county of Brown, and countersigned by the clerk of the said Board of Supervisors, and entered upon the records of their proceedings; said bonds when signed and countersigned as aforesaid, shall be in the hand of any bona fide holder of the same, full and complete evidence, both in law and equity, to establish the indebtedness of the said county of Brown, according to the tenor and effect of said bonds; *Provided*, That no bonds shall be issued, as aforesaid except as they may be required to pay the installments as they may become due on the stock subscriptions of the said company.

Sec. 3. It is hereby made the duty of the Board of Supervisors for the said county of Brown, or such other officer or officers as are or may be required by law to levy the taxes in said county, to levy an annual tax upon all the taxable property in said county, to be collected in cash by the same officers and in the same manner that State taxes are levied and collected, sufficient to pay the annual interest upon said sum of sixty thousand dollars, or so much thereof as shall be due upon the said bonds issued as aforesaid; and in the year previous to that in which the principal sums so secured to be paid by the said bonds, or any part thereof, shall become due, it shall be the duty of the said Board of Supervisors, or other officer or officers, to levy an additional tax upon all the taxable property of said county to pay the principal sum or sums due on said bonds; *Provided*, That instead of levying a tax as aforesaid, the said Board of Supervisors may at any time before the first yearly interest on said bonds issued as aforesaid, shall become due, issue the bonds of the said county in manner aforesaid for a further sum sufficient to meet the first years interest aforesaid; which bonds shall be negotiated for cash on as reasonable terms as may be had, and the proceeds thereof, or so much as may be necessary, applied to the payment of the said first years interest.

May levy taxes for the payment of interest.

Proviso.

Sec. 4. It is hereby made the duty of the clerk of the Board of Supervisors for Brown County to countersign all bonds so issued as aforesaid by the said Board of Supervisors, not exceeding the sums in this act authorized; and he shall keep a correct register of all the bonds so countersigned by him.

Duty of clerk of board.

Sec. 5. It shall be the duty of the treasurer of the county of Brown to pay the interest and principal which shall become due upon the bonds of the said county, issued as aforesaid, out of the money coming into his hands for such

Duty of treasurer.

purpose, at such time and place as shall be specified in said bonds.

Sec. 6. The treasurer of the county of Brown shall not receive any per centage or compensation whatsoever for any service performed under this act.

Submitted to
the people.

Sec. 7. No stock shall be subscribed, or bond issued, in pursuance of the provisions of this act, until a majority of the legal voters of said county of Brown, voting upon said question, shall vote in favor of the same at an election to be held in the said county, on the fourth Tuesday next after the passage of this act; at such election those voting in favor shall vote a ballot with the words inscribed thereon "For the Plank Road," and those voting against will vote a ballot with the words "against the Plank Road."

Approved, March 31, 1853.

Chap. 149.

An Act to amend an act entitled "an act to incorporate the Manitowoc and Mississippi Railroad Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

May borrow
money.

SECTION 1. The said Manitowoc and Mississippi Railroad Company are hereby authorized and fully empowered in their corporate capacity to borrow any sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company, and any person or party of whom such money may be obtained, and make out and execute in their corporate name, all necessary writings, notes, bonds or other papers, and make execute and deliver such securities, in amount and kind, as may be deemed expedient by said corporation, any law on the subject of usuary in this State or any other State where such transactions may be made, to the contrary notwithstanding; and the powers of said corporation for the purposes aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and equity upon said corporation and upon all other parties to such contracts.

Take tolls.

Sec. 2. The said company shall have full power and authority to ask for, demand, recover and take the tolls or dues to and for their own proper use and benefit, on goods, merchandize, property and passengers using or oc-

copying the said Railroad or any part thereof, depots, wharfs or other convenient, erection or improvement built, occupied or owned by said Railroad company, to be used therewith; and they shall have the power to regulate the time and manner in which goods, property, merchandise or persons shall be taken, transported and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation, carriage or storage.

Sec. 3. If it shall be necessary for the said Railroad company in the selection of the route or the construction or use of said Railroad, or any part of it, to connect the same with, or to use any Railroad, land, dam, bridge or road, made or erected by any incorporated company, or authorized by any law of this State, it shall be lawful for said company to contract with such other corporation for the right to cross such road; canal, dam or bridge, or for the transfer of the same and the corporate or other rights and privileges of such corporation to the said Railroad company as may be necessary in that respect; and every such other corporation acting under the laws of this State, is hereby authorized and empowered to make such contract or transfer by or through the agency of the persons authorized by the respective acts of incorporation to exercise their corporate powers, and any of the rights and privileges aforesaid; and every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the respective parties under their corporate seals, shall vest in the company hereby incorporated, all such rights and privileges, and the rights to use and enjoy the same as fully as they are or may be enjoyed by said corporation in whom they were originally invested.

May contract with other companies for use of road, &c.

Sec. 4. The said company shall have power and authority to receive, take, hold and dispose of all such voluntary grants and donations of land and real estate for the purpose of said Railroad as may or shall be made to said company to aid in the construction, maintainance and accommodation of said road and the business thereof; and whenever it shall be necessary for the construction of said Railroad, to intersect or cross, or run along by any stream of water, or water course, or road or highway, lying on the route of said Railroad; it shall and may be lawful for the company to construct their Railroad across or along by or upon the same; *Provided*, That the said company shall restore the stream or water course, road or highway to its usefulness, so far as it can be conveniently done; and for the purposes contemplated by this act.

May receive grants.

Books for
stock may be
re opened.

Sec. 5. The books of subscription to the capital stock of said company may be re-opened, and subscriptions of stock received, at such times and places and in such manner as the commissioners named in said act, or a majority of them, have directed or may direct, and when two thousand shares have been subscribed and five per cent. actually and in good faith paid in and certified by the President of said company, the said company may commence operations; and the said company may increase their capital stock to an amount not exceeding five millions of dollars.

Sec. 6. The rights, privileges and powers of the said corporation shall be null and void so far as it regards such part of said road as shall not be completed within twenty years from the passage of this act.

Sec. 7. That the provisions of said act, to which this is amendatory, which are inconsistent with the provisions of this act are hereby repealed.

Sec. 8. This act shall take effect from and after its passage.

Approved, March 31, 1853.

Chap. 150.

An Act to authorize certain towns to aid in the construction of certain Plank Roads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Supervisors
authorised to
subscribe for
stock.

SECTION 1. The supervisors of any town, through or into which a plank road may be located by a plank road company authorized to construct a plank road leading westward from the village of Manitowoc, in the county of Manitowoc, by and with the consent of a majority of the legal voters of such town, to be expressed as hereinafter provided, be, and they are hereby authorized and required to subscribe in the name, and for the benefit of such town, to the capital stock of the Manitowoc and Calumet Plank Road Company, an amount not exceeding eight thousand dollars.

May borrow
money to pay
for stock.

Sec. 2. That the supervisors of said towns, for the purpose of paying the stock authorized to be subscribed for by this act, are hereby authorized to borrow the necessary amount of money, for which they shall issue the bonds or obligations of such towns, signed by the supervisors of the same, in amounts not less than fifty dollars, which bonds or obligations shall be made negotiable, bearing interest, payable annually, at such place and at such rate,

not exceeding ten per cent. per annum, as may be agreed upon, and such bonds or obligations may be made redeemable at such time as may be deemed expedient by said supervisors, or such bonds or obligations, or any part thereof, may be issued directly to said company in payment of said stock, as said supervisors, and the officers of said company may agree.

Sec. 3. That the said supervisors of such towns shall keep an accurate register of all bonds or obligations issued under the provisions of this act, showing the dates, numbers and amounts thereof, to whom issued, when payable, and the rate of interest stipulated therein, and they shall also cause to be kept in the office of the town treasurer of their several towns, such book and entries as will fully exhibit all liabilities, receipts and disbursements, and the precise state of indebtedness of such towns, arising in any manner under this act.

Shall keep a register of all bonds.

Sec. 4. That the faith of any town subscribing for stock under this act, and the nett profits or dividends upon the stock so subscribed by said town, shall stand pledged for the payment of the indebtedness and interest which may become due from said town, under this act. And it is moreover made the duty of the supervisors of such towns, so subscribing under this act, to add and levy such per centum of tax upon the assessment roll of all taxable property in such towns, annually in addition to the ordinary taxes of such town to be collected as other town taxes, as shall be sufficient when added to the dividend of nett profits aforesaid, to pay the accruing interest, expenses, discounts, or any losses springing out of the sale of said bonds or obligations, or in any manner arising under this act; and likewise to provide a sinking fund, of such amount as they may deem expedient, and the money so levied, when collected, like other taxes, shall be applied to the purposes aforesaid, and none other.

Faith of town pledged.

Sec. 5. That the supervisors of any town, so subscribing, by themselves, or such agent or agents as they may appoint, shall have power to vote at all meetings of the stockholders of said plank road company, in proportion to the stock owned by such town, and in all other respects to act in the business of said company as individual stockholders, in the same, are authorized by law to do; and the said supervisors are hereby authorized, whenever they deem the same expedient, to sell and transfer any and all stock owned by such town in said company, in order to pay off the indebtedness which may arise under

Votes in proportion to stock owned.

this act, and the proceeds of such sale shall be applied to the extinguishment of an equivalent amount of the indebtedness of the town, created under this act.

Question of
subscribing
for stock sub-
mitted to the
people.

Sec. 6. That before any stock shall be subscribed by the supervisors of any of the towns aforesaid, to the said plank road company, under the provisions of this act, the question shall be submitted to the qualified electors residing within the limits of such town in the manner following: That is to say, on the written application to the supervisors of any such town, of twenty or more qualified electors of said town, which application shall specify the amount of stock they desire said supervisors to subscribe to the capital stock of said company, for the benefit of said town; it shall be the duty of the supervisors of such town, to give notice, by posting up in five or more of the most public places in said town, at least ten days before the time specified in said notice, for holding said election, a written or printed notice, setting forth that on a certain day, and at a certain place therein mentioned, an election will be held in such town, for the purpose of deciding whether the supervisors of said town shall subscribe in the name and for the benefit of said town, to the capital stock of the Manitowoc and Calumet Plank Road Company, the amount specified in the application aforesaid, which amount shall also be specified in said notice, and on the day and at the place specified in said notice, an election shall be had, and a vote taken by ballot, and said election shall be held and conducted, and the vote taken, canvassed and returned, in all respects, as provided for the holding and conducting town meetings; and each voter shall endorse upon his ballot, the words, "For subscription," or "Against subscription" and if it appears that a majority of the votes given are in favor of such subscription, the same shall be made in the manner provided in this act, but not otherwise.

Affidavit of
notice.

Sec. 7. That the said supervisors, or one of them, shall make, or cause to be made, an affidavit or affidavits of the posting of said notices required in the foregoing section of this act, which affidavit or affidavits, together with the application in writing, also specified in the foregoing section, shall be by them deposited in the office of the town clerk of their respective towns, and recorded in his office, and the said affidavit or affidavits, and applications or certified copies of the same, or a certified transcript of the record of the same, shall be taken and received in all courts

of this State, as conclusive evidence to prove the facts set forth and contained in the same.

Sec. 8. That any two of the supervisors of the towns aforesaid, may do or perform any act or thing which said supervisors, are by this act authorized or required to perform.

Sec. 9. All the provisions of this act shall be extended and applied to any other plank or turnpike road, in, or running through the said county of Manitowoc, and to the several towns through which such road may be located.

Approved, March 31, 1853.

An Act to incorporate the Portage City Classical Institute.

Chap. 151.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That William Sylvester, John Q. Adams, Lemuel Berry, Bradley Philips, Chunncey I. Pettibone and William W. McNair, and their successors, are hereby created a body corporate and politic, with the name and style of the Portage city Classical Institute : and the aforesaid corporators shall be the trustees of said corporation, and for that purpose to remain in perpetual succession. Said corporation shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended in all courts of law and equity ; and also to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and to sell and convey or otherwise lawfully dispose of the same at pleasure.

Sec. 2. The object of this corporation is to provide for the education, mental and moral discipline, and instruction in literature, science and arts, of students in said Institute ; and said corporation may make such rules, regulations and by-laws as they may deem necessary to effect the said object, and which shall not be inconsistent with the laws of this State.

Sec. 3. Said corporation shall have all the powers and privileges, and be subject to the restrictions and liabilities of Chapter fifty-four of the Revised Statutes of Wisconsin, entitled "general provisions relating to corporations," so far as they are applicable.

Sec. 4. The said trustees and their successors shall from their number annually elect a President, Secretary and Treasurer ; and shall have power and authority to direct and prescribe the course of study and discipline in

Corporators.

Object of corporation.

Powers and privileges.

Officers—how elected.

said institution, and also to appoint a principal and such Professors, Tutors and Teachers, and such other officers as said trustees shall deem proper; all of whom shall hold their offices during the pleasure of said trustees. The said trustees shall have power to fix the time and place of their meetings, and to adopt such rules for the transaction of their business, as they may deem best, and a majority of the Trustees shall constitute a quorum for the transaction of business, with power to fill vacancies which may from any cause happen in their Board.

Sec. 5. Said trustees and their successors shall have power and authority to grant such literary honors and degrees as they may deem best.

Term of of-
fice.

Sec. 6. The term of office of said trustees shall be three years, one-third of whom shall be elected annually, in order, to this the first Board of trustees, shall be divided into three classes; the first class shall hold their office one year the second class, two years, and the third class three years; and said trustees shall thereafter, annually, fill the offices thus vacated, from such persons as shall be nominated by the presbytery of Winnebago; *Provided*, always, That all trustees shall hold their offices until others are elected in their places.

Sec. 7. This act may be altered or amended by any future Legislature.

Approved, March 31, 1853.

An Act to authorize Luther Hanchett to build and maintain a dam across the Wisconsin River.

Chap. 152.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Luther Hanchett, his associates, successors and assigns are hereby authorized to erect and maintain a dam across the Wisconsin river, running across said river from fractional lot number eight to fractional lot number nine of section thirty-six, township twenty-two, North of range five, East of the fourth principal meridian; and to make use of the water in said river for propelling any kind of machinery he or they may see fit to erect and to sell or lease the right to use said water to any person whatsoever; *Provided*, said dam shall not exceed six feet in height and shall not interfere with any other water privileges on said river. *Provided*, That said dam shall be so constructed and with slides, sheets or locks as not in

any manner to interfere with the navigation of said river, or the free passage of all boats, rafts, lumber or any water craft—without hindrance or delay—and free of all tolls therefor.

Sec. 2. The Legislature may at any time alter or amend this act.

Approved, March 31, 1853.

An Act to incorporate the Galena and Hazel Green Plank Road Company. Chap. 153.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. N. H. Hemiup, H. D. York, D. B. Dorman, John Edwards, James Jones, John M. Chandler, J. Shotwell, Lewis Rood, Jefferson Crawford, John Faherty and Charles McCoy, their successors and assigns, be and they are hereby constituted a body politic and corporate, to have continued succession and existence as such corporation, for and during the space and term of sixty years, and to be called and known as the Galena and Hazel Green Plank road Company, and by that name to sue and be sued, plead and be impleaded, as a natural person, and shall be recognized in courts of law and equity, and they shall have power in their corporate name, for the use of said corporation, to purchase and hold sufficient real estate for the free enjoyment of all privileges herein granted, and also the power to establish such by-laws, ordinances and regulations as shall be deemed necessary for the furtherance of the objects of the corporation, not inconsistent with the constitution and the laws of this State.

Sec. 2. The said company are hereby authorized and empowered to locate, construct and finally complete a Plank road from the point where the Galena and Mineral Point Plank Road reaches the boundary line between the States of Illinois and Wisconsin, to a point in the village of Hazel Green opposite the North-West corner of Lot number three (3) in block number eight (8) in the village of upper Hazel Green, where the public highway leading through said village from Galena in Illinois, to Platteville and Mineral Point in Wisconsin, now runs; and the said company, for the purposes herein granted, shall have the sole right to the East half of the public highway from the State line to a point where the last angle is made in said highway before entering the village of Lower Hazel Green, and from said angle to its Northern terminus, the said

Powers of
company.

Plank road shall be constructed upon or over the centre of said highway, occupying not more than thirty feet in width of the same, and in no case shall the construction of said Plank road (either by grading or otherwise) obstruct or interfere with the travel upon any cross road or street within the limits of the said village of Hazel Green.

Capital stock.

Sec. 3. The capital stock of said company shall be six thousand dollars, in shares of fifty dollars each : *Provided*, That if the amount of the capital stock above stated be not sufficient to complete said road, then the same may be increased to such a sum as may be necessary to complete the work, to be subscribed for as the president and directors of the company may order.

Opening books.

Sec. 4. At any time after the passage of this act, the corporators herein named, or a majority of them, may open books for the subscription to the capital stock of the said company, at such time and place, and upon such notice as they may deem proper, and shall moreover make such orders for the payment of installments as they may think best for the interests of the corporation, and any person or corporation may become a stockholder in the said company.

Board of directors, when and how elected.

Sec. 5. When the sum of three thousand dollars of the capital stock of the said company is subscribed for, a meeting of the stockholders shall be called by the above named corporators, or a majority of them, at such time and place, and upon such notice as may be deemed proper, for the purposes of electing a Board of Directors for the said company ; the election shall be conducted in such manner as the persons named in this act, or a majority of them, may direct, and each stockholder shall have one vote at such first election, for each share of stock he may own at the time of such election, the votes may be given in all elections by person or by proxy as may be provided for by the by-laws of the company ; the Board of Directors shall consist of not less than three nor more than five persons, and shall continue in office one year from the time of their election and until their successors are elected, and a majority of them shall constitute a quorum to do business ; the said directors shall elect a president from their number, and other necessary officers, who may or may not be either stockholders or directors ; the stock of said company is hereby declared to be personal property, and may be transferred by assignment in such manner as the by-laws thereof may provide.

Sec. 6. When the said road shall be completed the said **Toll gates.** company may erect toll gates thereon and collect the tolls allowed by this act.

Sec. 7. The said company shall have power to fix and **Rates of toll.** regulate the tolls to be charged and paid for passing on said road; *Provided*, said tolls shall not exceed the following rates:

For every vehicle drawn by one animal, one cent per mile.

For every vehicle drawn by two animals, two cents per mile, and one-half cent per mile additional for every animal more than two.

For every score of neat cattle, two cents per mile.

For every score of sheep or swine, one cent per mile.

For every horse and rider or led horse, one cent per mile.

But the above rates of toll may be increased with the consent of the Board of Supervisors of the town of Hazel Green, so as to correspond with the rates charged by the Galena and Mineral Point Plank Road Company, and it shall be lawful for any toll gatherer to stop and detain any person going over the said road until the toll properly chargeable shall be paid, and any person who shall use said road and refuse to pay said toll shall forfeit and pay for such refusal the sum of ten dollars, to be collected by said company by an action of debt, before any Justice of the Peace in the proper county.

Sec. 8. No toll shall be collected at any gate from any **Persons ex-** person passing to or from public worship, or a funeral, or **empt from toll.** from any person going for a physician or returning from such errand, or from any person going to or returning from any court when legally summoned as a juror or witness, or from any person going to a town meeting or election at which he is entitled to vote for the purpose of giving such vote, and returning therefrom.

Sec. 9. Persons living near the line of the road shall have the privilege of going to and from their farms, or to and from their diggings, or to haul their produce or their mineral, or any other thing they may wish for the use of their farms or diggings, on said road free of toll; *provided*, the distance does not exceed one mile.

Sec. 10. The said Plank Road Company shall have **May consol-** power to consolidate its capital stock with any other Plank **date.** Road company now in existence in this State or the State of Illinois.

Commence-
ment.

Sec. 11. The said company shall commence the construction of said road within two years and complete the same within five years, or the franchises and privileges hereby granted shall be forfeited.

Sec. 12. This act shall receive a liberal construction in all courts of justice and be deemed a public act in all proceedings at law or in equity, and shall be in force from and after its passage.

Approved, March 31, 1853.

Chap. 154.

An Act to incorporate the Western Wisconsin, and Mining Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission-
ers.

SECTION 1. Hercules L. Dousman, B. W. Brisbois, E. Pelton, Nelson Dewey, Ben. C. Eastman, J. Allen Barber, Daniel R. Burt, John H. Rountree, Jefferson Crawford, John Edwards and Charles McCoy, be, and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Western Wisconsin, and Mining Railroad company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions by publishing the same weekly, in some public newspaper, printed in the counties of Grant and Crawford.

Capital stock.

Sec. 2. The capital stock of said company shall be two millions of dollars, and shall be divided into twenty thousand shares, of one hundred dollars each, and as soon as four hundred shares shall have been subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall become stockholders in conformity with the provisions of this act, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the "Western Wisconsin, and Mining Railroad Company," and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises, and immunities, incident to a corporation: they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either real, personal or mixed; they may make, have, and use a

common seal, and alter, break or renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular, the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of the said corporation.

Sec. 3. The said commissioners, or a majority of them, after the said four hundred shares of stock are subscribed, shall close the books of subscription, and shall give at least thirty days notice in the newspapers hereinbefore mentioned, of the time and place by them appointed, for the stockholders to meet, for the purpose of electing thirteen directors, and the directors thus elected, shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected. Directors how
lected.

Sec. 4. All the affairs of the said corporation shall be managed by a board of thirteen directors, who shall be stockholders, and who are hereby invested with all the powers of the said corporation. They shall be chosen annually by ballot, at the annual meeting of the stockholders, which shall be held on the first Wednesday of February,) by the stockholders of the said company, on like notice as is herein prescribed, for the first election of directors. The votes shall be delivered in person, or by proxy duly authorized, and in all cases in which stockholders shall vote, each share of stock shall be entitled to one vote, and in all elections of directors, those stockholders, equal to the number to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If from any cause, an election should not be had at the time, when by the provisions of this act it should be had, the same may be had at any other time, on thirty days notice, to be given as aforesaid, and until such election be had, the directors of the preceeding year shall continue to act; and the corporation hereby created, shall not forfeit or loose any of its privileges, franchises or immunities, by the reason of the irregularity or want of such election. The board of directors may at any time, increase or diminish the number of directors to be elected at the next annual meeting of the stockholders; *Provided*, The number shall not be less than five, nor more than Directors to
manage affairs
of company.

fifteen, and in case of such increase or diminution, the number to be elected shall be specified in the notice of election;

Quorum of directors powers of.

Sec. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business: they shall meet at such times and place, and be coeovened in such manner as they shall decide upon; they shall elect by ballot one of their own number to be president, who shall, when present, preside at all the meetings of the directors, and when absent, the directors may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents and other officers as they may find necessary; fix their compensation, and may demand adequate security for the faithful discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscription to the capital stock of the company or open new books under their own direction, or the direction of a majority of them, or under the direction of such person or persons as they may designate; to decide upon the amount to be paid on such subscription, the time and manner and proportions in which the stockholders shall pay subsequent installments on their respective shares, and to forfeit to the use of the company, the share or shares of any person failing to pay any installments so required; to regulate tolls and charges for the the transportation of freight and passengers; to make such covenants, contracts and agreements with any person or persons, copartnership or corporation whatsoever, as the execution and management of the works, and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company, for the leasing or purchase of the whole or any part of any railroad constructed or to be constructed by such railroad company; to make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States, or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs and proceedings of said company.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the

President and Secretary and sealed with the common seal of the company, subject however to all the payments due or to grow due thereon; which stock shall be transferable in such manner as shall be provided by the by-laws of the company.

Shall issue certificates of stock.

Sec. 7. At each annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to the stockholders, complete statement of the affairs and proceedings of the company for such year. Special meetings of the stockholders may be called by order of the board of directors or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting.

Sec. 8. The said company shall have power to locate and construct a railroad with one or more railways or tracks from such eligible point in Town one, north, Range one, west of the 4th principal meridian to such eligible point in the town, or village of Prairie du Chien, as shall be determined upon by the said board of directors; and the said company shall have power to transport, take, and carry property and persons upon said road, by the power and force of steam, of animals, or of any mechanical or other power, or any combination of them; and to make, construct, put in operation all such turn-outs, side tracks, and connecting tracks, or branches as they shall think will promote the interests of the company, warehouses, cars houses and shops, engine shops, toll-houses, machine-shops and all other fixtures useful for the accomodation of said road and of those using it, to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running said road, and they shall have power to connect the said railroad with any railroad coming in contact therewith, and to operate the same in connection with such other railroad, and to lease or purchase from any other railroad company, the whole or any part of any railroad owned by such company, or to lease or to sell to any other company, the whole or any part of the railroad to be built or owned by this company.

Power to locate and construct road.

Sec. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sums of money, from any persons, or persons, corporation, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company, and any person or party of whom such money may

May borrow money.

be obtained, any law on the subject of usury in this State to the contrary notwithstanding; and to make, execute and deliver all necessary writings, notes, bonds, mortgages or other papers and securities in amount and kind as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road; and the powers of said corporation, for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely: the construction of a railroad from and to the points aforesaid, are hereby ratified and confirmed; and the contracts and official acts of said company are declared binding in law and equity upon said corporation and upon all other parties to such contracts.

Commence-
ment and com-
pletion of
road.

Sec. 10. If said corporation shall not within three years from the passage of this act, commence the construction of said road, and in ten years from the time aforesaid, complete the same, then the rights, privileges, and powers of said corporation under this act shall be null and void.

May enter up-
on lands to lo-
cate road.

Sec. 11. It shall be lawful for said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such land, not exceeding one hundred feet in width along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided, in such cases respectively; and it shall further be lawful for said company, by their officers, engineers, and agents, to enter upon lands adjacent to the railroad, beyond the limits provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation of the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposite earth, gravel and stone taken from the deep cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to

the construction and repairs of said road, doing however no unnecessary damage, and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provisions of this act; and when such damage shall have been paid or tendered, the title to the land occupied by such building, fixtures, excavations, and embankments shall vest in fee simple in said company, agreeably to the provisions contained in this act and it shall further be lawful for said company to purchase and hold in fee simple, lands adjoining or adjacent to the railroad, for the purpose of procuring earth, gravel, or other materials for embankment and structures necessary to the construction and repairs of said road and necessary buildings; and whensoever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

Sec. 12. The said company shall have the right to enter upon any lands required for their use, as provided in the eleventh section of this act, and to survey and lay out said road not exceeding one hundred feet in width, and the said company shall, if possible, agree with the owner of said lands, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same; and if the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, non compos mentis, insane, or married woman or under any legal disabilities, then with the guardian of such person, or the husband of such married woman; and if said company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit: The said company shall select a disinterested arbitrator, and such owner, guardian or husband, shall select another who shall be disinterested and not of kin to him; or if they should refuse or neglect for the space of three days after being notified by said company, to do so, or if they be non residents of this State, they shall be notified by mail, by letter, signed by the secretary, and addressed to their usual place of residence, to select such arbitrator; and if they shall refuse or neglect for the space of sixty days after mailing of such letter, then, in all cases of neglect or refusal as aforesaid, the judge of the county court, or chairman of the county board of supervisors of the county in which such land

Compensation
for lands, how
assessed.

shall lie, shall appoint three competent persons to act as arbitrators, who shall not be kin to the claimants, or in any manner interested in said company, and the said arbitrators having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said company, to such persons, for the land so taken, and shall deliver a copy of their award in writing, to each of the parties, and if the amount awarded by said arbitrators shall be more than said company had previously offered to pay, then, said company shall pay all the expenses of said arbitrators; and if it shall be less, then the other party shall pay such costs; and either party may, within ten days after receiving a copy of such award, appeal from the same, to the court of the proper jurisdiction for the county in which such land is situated, by giving written notice of such appeal to some one of the arbitrators; and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said court; and the said court shall enter said case in its docket, setting down the claimant or claimants as plaintiffs, and the said company as defendants; and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were by this act required to take into consideration; and the said court shall thereupon proceed to render judgment in favor of said complainant against said company: and if the amount so found for said complainant shall exceed the amount so found by said arbitrators, the judgment shall be rendered against said company for costs; and if it shall not exceed the amount so found by said arbitrators, the judgement shall be rendered in favor of said company for costs, and against said claimant.— And when such compensation so to be ascertained according to the provisions of this section, shall be paid or tendered to the party entitled to the same, the title to said lands shall vest in the said company in fee simple; and a copy of such award, or judgment, filed in the office of the register of deeds, of the county in which the land shall lie, shall be sufficient evidence of such title: and the said company shall have full power and authority pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possession of said lands for all the lawful pur-

poses of said corporation, and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment by any proceeding, either at law or equity. The said arbitrators, before entering upon their duties shall severally take, and subscribe an oath or affirmation, to faithfully and honestly perform the duties of their appointment, which oath or affirmation shall be returned with their award.

Sec. 13. The said company may construct the said rail road across any public or private road highway, stream of water, or water course, if the same shall be necessary, but the said company shall restore such road, highway, stream of water, or water course, to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, stream of water or water course, to the owner or to the public. May cross highways.

Sec. 14. On the completion of said railroad, or any section of the track, not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from time to time think reasonable. May receive money for freight, &c.

Sec. 15. If any person shall willfully and knowingly injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building or machinery attached, or in use upon the same, belonging to said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road, such person or persons so offending, shall, each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence; which may be recovered in the name of said company by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment; and upon conviction of any such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court. Penalty for injuring or obstructing road.

Sec. 16. The said company, before opening their road through enclosed grounds, shall erect such fencing, as shall preserve such enclosure entire, and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of the said road, through all such enclosed grounds, and maintain the same. Shall fence the road.

Public act. Sec. 17. This act is hereby declared to be a public act, and shall be favorably construed, to effect the purposes thereby intended, and copies thereof, printed by the authority of the State, shall be received as evidence thereof in all cases.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved March 31, 1853.

Chap. 155. An Act to Incorporate, the Hazel Green Deaf and Dumb Assylum.
The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Corporators constituted a body politic. SECTION 1. That Charles McCoy, John Edwards, Ezra Darman, Jefferson Crawford, Lewis Reed, W. K. Hening, Robert Frazer, George McFatrigh and John M. Chandler, are hereby constituted a body politic and Corporate by the name of the "Hazel Green Deaf and Dumb Assylum" and by that name they and their successors shall have succession and perpetual existence, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to make and use a common seal and alter the same at pleasure, to take or receive by grant, gift, bequest, or otherwise property, real or personal, and mixed, and to have hold use, and enjoy the same, to adopt such by-laws, not inconsistent with the constitution and laws of this State, as may be necessary for the purpose of carrying into effect the provisions of this act.

Object of assylum. Sec. 2. The object of this institution shall be to establish and maintain a school for the education of the Deaf and Dumb, at or near the village of Hazel Green in the county of grant, and to provide for such persons as far as possible, that protection and assistance, which is necessary to make them happy, intelligent and useful people.

Trustees. Sec. 3. The persons named in the first section of this act, and their successors shall be the trustees of the school, and shall have power to employ one or more teachers, fix their compensation and the price of instruction, and do such other acts as may be necessary for the well being of the school.

Who may receive instruction. Sec. 4. All Deaf and Dumb persons of suitable age and capacity to receive instruction may be admitted, and taught in said school, subject to such rules and regulations as the trustees may from time to time prescribe.

Sec. 5. The officers of the corporation shall be a president, secretary and treasurer who shall be appointed by the board of trustees, the President to be one of their number and the trustees to serve without compensation.

Sec. 6. The trustees named in the first section of this act shall serve as follows, to wit: three for the term of one year, three for the term of two years, and three for the term of three years, and until their successors are appointed and qualified, a majority of the trustees shall be a quorum to meet and transact all business that may come within the scope of their office. Term of trustees.

Sec. 7. After suitable buildings shall be provided one or more competent teachers obtained, and a school actually taught six months, and two hundred and fifty dollars actually paid out for the services of a teacher, there shall be appropriated out of the State treasury a sum of two hundred and fifty dollars, which shall be applied solely to pay of teacher; *Provided*, the president and secretary shall before the payment of the above sum file a certificate under oath with the secretary of State, that the foregoing provisions of this section have been complied with. Aid from state treasury, &c.

Sec. 8. This act shall be deemed a public act, and shall be favorably and beneficially constructed for the purposes herein mentioned.

Approved, March 31, 1853.

An Act to authorize the President and Trustees, of the village of Manitowoc to levy a tax to fill up the marsh therein named.

Chap. 156.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The President and Trustees of the village of Manitowoc, are hereby authorized and required to levy a tax on all the unfilled and unimproved swamp lots, lying in the marsh on the south side of the Manitowoc river, and adjoining the same in said village on lot No. one (1) in section No. twenty-nine (29) Township No. nineteen (19), north of Range No. twenty-four (24), east of the fourth principal meridian, sufficient to fill up said lots, and the street or streets in front thereof, and abate the nuisance caused by the water in overflowing said marsh and standing thereon. Tax to be levied.

Sec. 2. Such tax shall be levied in the spring or early part of the summer of A. D. 1853, on the last assessed valuation of said lots in said village, previous to levying When levied.

such tax, said village board shall cause a roll to be made out, which shall contain a list of all the lots liable to be taxed in pursuance of the provisions of this act for the purpose aforesaid with the names of the owners of the same (if known) and shall cause the amount of tax on each lot to be carried out opposite the same, and deliver such roll to a street commissioner of the ward in said village in which said swamp lots may lie or to a special commissioner, which said village board is hereby authorized to appoint for the purpose to be collected by such commissioner in the manner hereinafter provided.

Owner of lots
to be notified.

Sec. 3. Upon receiving such roll said commissioner shall proceed to notify the respective owners of lots described therein in the same manner that a street commissioner in said village is required to give notice of special tax for the improvement of streets therein and any person charged with taxes in said roll, may as soon as the same shall be placed in the hands of said commissioner pay said taxes in money or proceed to work out the same under the direction of said commissioner, by filling up the lot or lots on which such tax shall have been assessed and his proportion of the street or streets in front of the same, with such material and to such height as shall be required, and as designated on the profile of said lots and streets to be so filled, which profile the said village board, shall cause to be made for reference and filed in the office of the clerk of said village previous to delivering said roll to said commissioner.

Proceedings
when taxes
are not paid.

Sec. 4. In case said taxes shall not be paid in money or worked out as hereinbefore provided within such reasonable time as said village board shall by order determine, then said board may authorize said commissioner to receive, sealed proposals for filling up any such lot or lots, and street or parts of streets in front thereof upon ten days notice published in a newspaper printed in said village, and in such case said filling shall be awarded to the lowest responsible bidder in the opinion of said commissioner, and the president of said board or some member thereof who shall be president at the opening of such bids, or should said board deem it more advisable, it may authorize said commissioner upon the like notice as last aforesaid to let such filling at public auction to the lowest responsible bidder.

Sec. 5. It shall be lawful for said board to designate to said commissioner or to any person who shall work out any such tax or otherwise fill up any such lot or lots and

street or parts of street in front thereof, from what place the material for such filling shall be taken, and said board shall have power to levy such tax as shall be just upon any lot or lots, from which any such material may be or taken, and should any such tax be so levied upon any lot or lots to be dug down it shall in equal amount diminish the aggregate amount required to be levied to fill such marsh and said lots shall be described in the profile above named, and the tax thereon shall in all respects be levied, and collected in the same manner as provided in this act for the collection of tax on other lots.

A person may be designated to work out tax.

Sec. 6. Said board may pay for grading or filling up any such lot, and its proportion of the street or streets in front of the same by drawing general orders payable out of the general village fund in which case the tax, when paid shall incue to the benefit of said village, and go into the general fund thereof or should said village board deem it more expedient, it may cause orders to be issued to any person for doing any such filling or grading payable out of the tax on any particular lot or lots, belonging to any one owner, which orders shall be received in payment of any such tax on or in redemption of any such lot or lots therein discribed or in purchasing any such lot or lots, at the sale of the same for such taxes by the treasurer of said village or in drawing out the redemption money.

Grading, how paid for.

Sec. 7. The proceedings in case any such lot or lots, shall be returned as delinquent by said commissioner, at such time as said village board shall by order direct, shall be the same as in case of lots returned as delinquent by a street commissioner in said village as far as the same cause be made applicable, and said lot or lots shall be sold, and deeded in the same manner and with the same effect, and all the taxes of said village in relation to the assessment and collection of taxes, and sale and conveyance of lands or lots therefor, and interest thereon shall apply as far as practicable when not inconsistent with the provisions of this act and this act shall be deemed a public act, and shall be favorably, and liberally construed to effect the purpose for which it is intended.

Proceedings when lots are returned delinquent.

Approved, March 31, 1853.

An Act to provide for laying out a State Road therein named.

Chap. 157. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Alfred Woods, Abraham Carns and P. P. Stom are hereby appointed commissioners to lay out and establish a State road, commencing on the Mississippi river at boat yard hollow, thence on the most feasible route to the village of Shullsburgh in LaFayette county; *Provided*, That no part of the expense of laying out said road shall be paid out of the State Treasury.

Sec. 2. This act shall be published immediately after its passage in some newspaper published in Madison, and shall take effect so soon as so published.

Approved, March 31, 1853.

Chap. 158. An Act concerning the sale of Railroad Stock by the town of Beloit.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The proviso in section 2d of an act entitled "an act to authorize the town of Beloit to aid in the construction of a certain Railroad from the city of Racine, to the village of Beloit," approved, February 10th, 1853, and the proviso in the 2d section, of an act entitled "an act authorizing the town of Beloit, to aid in the construction of a certain Railroad from the city of Kenosha to the village of Beloit," approved, March 23d, 1853, are hereby respectively amended so as to read as follows: *Provided*, however, that the said town may sell such shares; but the proceeds thereof, and interest, shall still be pledged to pay the principal and interest of said bonds."

Sec. 2. This act shall take effect, and be in force from and after its passage.

Approved, March 31, 1853.

An Act to incorporate the Beloit Car and Locomotive Manufacturing Company.

Chap. 159.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That all such persons as shall become Stock holders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body corporate and politic by the name

Stockholders
incorporated.

and style of the Beloit Car and Locomotive Manufacturing Company, and by that name shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, may have a common seal, and alter the same at pleasure, and by the same name shall be capable of purchasing holding and conveying any estate, real or personal property for the use and benefit of said corporation.

Sec. 2. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed to be personal property, and may be transferred in such manner as the by-laws of the company direct. Capital stock.

Sec. 3. Said corporation shall have power to manufacture cars, locomotive engines for Railroads, and such other engines, machinery, iron, brass and copper implements and wares as they may deem proper, and to sell and dispose of the same at pleasure, may erect buildings and machinery for such manufacturing purposes, to be moved by steam or other power, on any lands in the town of Beloit which are now or may hereafter be owned by said company; may in their corporate capacity and name make and execute to any person or persons, or body corporate or politic, any and all writings, notes, bonds, mortgages on real or personal property belonging to said company, in the due prosecution of their business, or as security for the loan of money borrowed by or due from said company to any person or persons, or body corporate, all of which said company is authorized to do, any law of this State to the contrary notwithstanding, but this section shall not be so construed as to confer banking powers upon said corporation. Powers of corporation.

Sec. 4. The property and affairs of said company shall be managed and conducted by a Board of not less than three nor more than nine directors, who shall be elected annually, and who shall respectively be stockholders in said corporation, and who shall be elected as aforesaid by the stockholders at such time and place as shall be directed by the by-laws of the corporation, each share of stock being entitled to vote, and may be cast by the holder thereof or by proxy, duly authorized; all such elections shall be by ballot, and the persons receiving the majority of votes cast shall be directors, and when any vacancy shall happen from any cause it shall be filled for the remainder of the year in such manner as shall be provided for by the Affairs managed by a board of directors.

by-laws of said corporation ; the number of directors and how many shall constitute a quorum for the transaction of business shall be determined by said by-laws.

**President,—
how chosen.**

Sec. 5. The said directors shall annually after their election elect one of their number President, whose duty it shall be to preside at the meetings of the Board, and in case of his absence at any meeting the directors present may elect a President pro tem.

**Powers of di-
rectors.**

The directors shall have power to make and prescribe such by-laws, rules and regulations, respecting the management of the property, concerns, business and stock of said corporation as they may deem expedient and proper, all meetings for the transaction of business for the corporation shall be held at their office, which shall be located in the village of Beloit, and the manner and times of calling meetings shall be prescribed in the by-laws of said company, the directors shall have power to appoint a treasurer and secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure and fix the compensation, and define the duties of all officers, they shall have power to decide the time, manner and proportions in which the stockholders shall pay the money due (or an equivalent therefor) on their respective shares, and to make such rules respecting the forfeiture of stock and shares as they may deem advisable ; they shall also have power to appoint a time certain, each year, for the election of directors, but such election shall always be held at the office of said company upon due notice to the stockholders of not less than thirty days before such election ; *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any time upon a like notice being given to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

Proviso.

**Books, when
and where
opened.**

Sec. 6. Books for subscription to the capital stock of said company shall be opened at the office of the Beloit Foundry, in the town of Beloit, on the first Monday of May next, under the inspection of J. S. Love, J. M. Keep and John Hackett, and a majority of whom may keep said books open from day to day, until at least fifty thousand dollars of said stock be subscribed for, when the said Love, Keep and Hackett may deliver to such subscribers said book, and the said subscribers shall then proceed to elect the Board of directors as herein provided for, and such directors, when so elected, shall at their first meeting

determine the amount of capital of said corporation, which shall in no case exceed one hundred and fifty thousand dollars, and if such capital shall be fixed at any sum less than the last named amount, the same may at any time thereafter be increased by a two-third vote of the said directors at a regular meeting thereof, to any amount not in whole however exceeding the said sum of one hundred and fifty thousand dollars.

Sec. 7. The stockholders in this corporation shall be individually liable for the debts of such corporation to the amount of stock owned by them; *Provided*, That no suit shall be maintained against any such stockholder for any debt of the corporation, until a judgment therefor shall have been recovered and an execution issued thereon against the corporation and returned unsatisfied in whole or in part.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved, March 31, 1853.

An Act to authorize certain towns to aid in the construction of certain Plank Roads therein mentioned.

Ch ap. 160.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Supervisors of any town through or into which a Plank Road may be located by a Plank Road Company authorized to construct a Plank Road leading Westward from the village of Amsterdam in the town of Holland, in the county of Sheboygan, by and with the consent of a majority of the legal voters of such town, to be expressed as hereinafter provided, he and they are hereby authorized and required to subscribe in the name and for the benefit of such town to the capital stock of the Amsterdam Plank Road Company an amount not exceeding eight thousand dollars.

Sec. 2. That the Supervisors of said towns for the purpose of paying the stock authorized to be subscribed for by this act are hereby authorized to borrow the necessary amount of money, for which they shall issue the bonds or obligations of such towns signed by the Supervisors of the same, in amount not less than fifty dollars, which bonds or obligations shall be made negotiable, bearing interest payable annually, at such place and at such rate not exceeding ten per cent. per annum as may be agreed upon,

and such bonds or obligations may be made redeemable at such time as may be deemed expedient by said supervisors, or such bonds or obligations or any part thereof may be issued directly to said company in payment of said stock, as said Supervisors and the officers of said company may agree.

Shall keep an accurate register of bonds.

Sec. 3. That the said Supervisors of such towns shall keep an accurate register of all bonds or obligations issued under the provisions of this act, showing the dates, numbers and amounts thereof, to whom issued, when payable, and the rate of interest stipulated therein, and they shall also cause to be kept in the office of the town treasurer of their several towns, such books and entries as will fully exhibit all liabilities, receipts and disbursements, and the precise state of indebtedness of such towns arising in any manner under this act.

Faith of town pledged.

Sec. 4. That the faith of any town subscribing for stock under this act, and the net profits or dividends upon the stock so subscribed by said town shall stand pledged for the payment of the indebtedness and interest which may become due from such town under this act; and it is moreover made the duty of the Supervisors of such towns so subscribing, under this act, to add and levy such per centum of tax upon the assessment roll of all the taxable property in such town, annually, in addition to the ordinary taxes of such town, to be collected as other town taxes, as shall be sufficient when added to the dividends of nett profit aforesaid, to pay the accruing interest, expenses, discount, or any losses springing out of the sale of said bonds or obligations, or in any manner arising under this act; and likewise to provide a sinking fund of such amount as they may deem expedient, and the money so levied, when collected like other taxes, shall be applied to the purposes aforesaid and none other.

Vote of towns to be given by supervisors.

Sec. 5. That the Supervisors of any town so subscribing, by themselves or such agent or agents as they may appoint, shall have power to vote at all meetings of the Stockholders of said Pland Road Company, in proportion to the Stock owned by such town, and in all other respects to act in the business of said company as individual stockholders in the same are authorized by law to do; and the said Supervisors are hereby authorized whenever they deem the same expedient, to sell and transfer any and all stock owned by such town in said company, in order to pay off the indebtedness which may arise under this act, and the proceeds of such sale shall be applied to the ex-

tinguishment of an equivalent amount of the indebtedness of the town, created under this act.

Sec. 6. That before any stock shall be subscribed by the Supervisors of any of the towns aforesaid, to the said Plank Road Company, under the provisions of this Act, the question shall be submitted to the qualified electors residing within the limits of such town; in the manner following, that is to say: on the written application to the Supervisors of any such town, of twenty or more qualified electors of said town, which application shall specify the amount of stock they desire said Supervisors to subscribe to the capital stock of said company for the benefit of said town, it shall be the duty of the Supervisors of such town to give notice by posting up in five or more of the most public places in said town, at least ten days before the time specified in said notice for holding said election, a written or printed notice, setting forth that on a certain day, and at a certain place therein mentioned, an election will be held in such town for the purpose of deciding whether the Supervisors of said town shall subscribe in the name and for the benefit of said town, to the capital stock of the Amsterdam Plank Road Company the amount specified in the application aforesaid, which amount shall also be specified in said notice, and on the day and at the place specified in said notice, an election shall be had and a vote taken by ballot, and said election shall be held and conducted, and the vote taken canvassed and returned in all respects as provided for the holding and conducting town meetings; and each voter shall endorse upon his ballot the words "For Subscription" or "against subscription," and if it appears that a majority of the votes given are in favor of such subscription the same shall be made in the manner provided in this act, but not otherwise.

Question to be submitted to the people.

Sec. 7. That the said Supervisors or one of them, shall make or cause to be made, an affidavit or affidavits, of the posting the notices required in the foregoing section of this act, which affidavit or affidavits, together with the application in writing, also specified in the foregoing section, shall be by them deposited in the office of the town clerk of their respective towns, and recorded in his office, and the said affidavit or affidavits and application, or certified copies of the same, or a certified transcript of the record of the same, shall be taken and received in all courts of this State as conclusive evidence to prove the facts set forth and contained in the same.

Affidavit of posting notices.

Sec. 8. That any two of the Supervisors of the town

aforesaid may do or perform any act or thing which said Supervisors are by this act authorized or required to perform.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved, March 31, 1853.

An Act to legalize and make effectual certain conveyance therein mentioned.

Chap. 161. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The deed of conveyance from the fourth ward of the city of Milwaukee to the "Rector, Wardens, and Vestry of St. James Church, Milwaukee," executed on the seventeenth day of May, one thousand eight hundred and fifty-one, by James H. Rogers, Moses Kneeland and William Wedemeyer, Aldermen of said fourth ward, and the deed of conveyance from the second ward of said city to the fourth ward, executed on the seventh day of May, one thousand eight hundred and fifty-one, by Francis Heubchman and Jacob A. Hornn, Aldermen of said second ward, are hereby declared to be valid and effectual, to convey to and vest in the said Rector, Wardens and Vestry, all the right title and interest of the said second and fourth wards to the premises therein described.

Sec. 2. The said Rector, Wardens and Vestry are hereby authorized to loan a sum of money not exceeding one thousand five hundred dollars, at such rate of interest, and upon such time as they may deem necessary. and in order to secure the same, to execute all proper and necessary bonds and mortgages or other securities.

Sec. 3. This act shall be a public act, and shall take effect from and after its passage.

Approved, March 31, 1853.

An Act to authorize Dane County to borrow money.

Chap. 162. *The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The County of Dane by its Treasurer is hereby authorized to borrow from any person or persons or corporation, any sum of money, not exceeding six thousand dollars, for a term of years not exceeding five, and at a rate of interest not exceeding ten per cent per annum, for the purpose of constructing a Jail and Jailer's house in said county.

Treasurer authorized to borrow money.

Sec. 2. For the purpose of securing the payment of Security. the money so borrowed and the interest thereon, the clerk of the board of Supervisors of said county is hereby authorized to prepare county bonds of the county of Dane, with coupon attached, and shall make and execute the same for and in behalf of said County under his hand, and shall cause the seal of the said board of Supervisors to be affixed thereto. Said bonds to be made payable at the county treasurer's office in said county five years, from the first day of April A. D., 1853, at a rate of interest not exceeding ten per cent per annum, payable annually at the same place.

Sec. 3. The said clerk shall number said bonds and Duplicates. shall make duplicates of the same, to be filed and kept in his office.

Sec. 4. The treasurer of said county shall negotiate as Treasurer to negotiate. as soon as practicable, the said bonds and coupon so executed, as shall best subserve the interests of said county, and he shall be allowed a reasonable compensation for his time and expenses in negotiating the same, by the board of Supervisors.

Sec. 5. When said treasurer shall receive the money money how used. on said bonds, he shall deposit the same in the county treasury, and shall not pay out any portion thereof, except on orders drawn for the express purpose of building said Jail and Jailer's house.

Sec. 6. The board of Supervisors of said county are Taxes. authorized to levy a tax annually, upon the taxable property of said county, sufficient to pay the interest on said bonds, which shall be collected as a special tax, in money, and paid over to the county treasurer in the same manner as State taxes are collected and paid over, and the said county treasurer shall reserve the same for paying, and shall pay the interest on said bonds as the same may become due.

Sec. 7. The said board of Supervisors, whenever such Bonds, how paid. bonds shall become due, or at any other time, are further authorized to levy in like manner a tax sufficient to pay the principal of said bonds, which shall be levied, collected and paid over in like manner as is mentioned in the preceding section.

Sec. 8. The amount of such taxes when so levied and collected shall be immediately applied by the said county treasurer or his successor in office, to the payment of said bonds, whenever the same may become due, and no por-

tion of the amount of such taxes shall be paid out by said treasurer for any other purpose whatsoever.

Sec. 9. The said treasurer and his sureties shall be liable on his official bond, for the faithful performance of his duties as prescribed in this act.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved, March 31, 1853.

Chap. 163.

An Act to provide for a special tax, to improve the road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Commission-
ers.

SECTION 1. Perry P. Smith, Ira Clark and Charles Gustafson of Manitowoc county are hereby appointed commissioners under the direction of whom, as hereinafter provided, the tax provided for in this act shall be expended in improving the road leading through Manitowoc Rapids in said county in a westerly direction past Hubbard Champlain and Charles Mills, and up the valley of the Manitowoc river to the west line of said county, commonly known as the "State or river road."

To take oath,
and give
bond.

Sec. 2. Before entering upon the duties required of them by this act the commissioners named in the preceding section or any commissioner or commissioners, who may hereafter be appointed in pursuance of the provisions hereinafter contained, shall take, and subscribe an oath or affirmation to perform such duties faithfully and impartially, and shall execute a bond to the Supervisors, of said county in a penal sum, not less than three thousand dollars, and greater than the aggregate amount of tax, which they shall levy in pursuance of this act with sufficient sureties, who may be required to justify their responsibility under oath by the clerk of said board of Supervisors, which bond shall be approved by said clerk, and filed in his office, and shall be conditioned for the faithful and just expenditure, of all money that may come into their hands, or the hands of either of them by virtue of this act, and the faithful performance of all the duties required of them by this act.

Supervisors to
oversee the
work.

Sec. 3. The Supervisors of said county are hereby, authorized to over see said work if they should think proper, to give general directions to said commissioners as to the manner of performing said work and expending the tax hereinafter provided for, and shall have power to call said Commissioners to account as often as they may deem

necessary, to remove any or all of said commissioners, should the public good require it to remit the tax on any tract or lot of land assessed by said commissioners to institute suit upon their official bond whenever the condition thereof shall be broken and to fill any vacancies, which may occur in said board of commissioners by death, resignation, removal or otherwise.

Sec. 4. Said commissioners may appoint from their own number a clerk and a treasurer, and on or before the last day of June A.D. 1853, or at such other time as the Supervisors of said county, shall by order fix therefor, the commissioner appointed clerk, shall under the direction of said commissioners make out an assessment roll, containing a description of all the lands, and lots subject to taxation lying along the line of said road, and not more than one and a half miles from either side of the same, from the east line of the village of Manitowoc Rapids in said county to the county line aforesaid (except such lands, and lots as have been taxed in pursuance of a law to provide for a special tax to improve the Manitowoc and Calumet road) which the said commissioners have good reason to believe will be directly benefited by the improvement of said road, said tax not to exceed thirty mills on the dollar, on the assessed valuation of said lands and lots.

Sec. 5. Said clerk shall set down in said roll the names of the respective owners of said lands or lots as far as the same can be conveniently ascertained, opposite each description, and upon the completion of said roll by the clerk, the said commissioners shall meet at such time and place as they may agree upon for the purpose of making an assessment of such lands and lots, and they shall assess the same at their then cash value setting down opposite each tract or lot of land so described, the valuation so ascertained, and their said clerk shall thereupon calculate and carry out such tax on said roll opposite each tract or lot therein described.

Sec. 6. At such time as may be agreed upon by said commissioners, the treasurer or any one of said commissioners may proceed to collect the taxes in said roll in the same manner and with like powers as town treasurers are authorized by law to collect taxes.

Sec. 7. Any person charged with taxes in said roll may work out the same at one dollar per day, under the direction of said commissioners, or either of them or by furnishing utensils or materials, at such prices as may be agreed upon.

Proceedings
when taxes
are not worked
out.

Sec. 8. When a fair opportunity shall have been given to all persons, to work out the taxes charged in said roll, the said commissioners shall cause a list of all the lands and lots in each town, in which any of said lands, or lots may lie, to be made out and certify to the same, and return it to the clerk of the town wherein such delinquent lands or lots may be situated, and it shall be and is hereby made the duty of each town clerk of any such town upon receiving such delinquent list to file the same in his office, and to enter such unpaid taxes in their respective tax lists, which may be next completed after said delinquent list shall have been received, opposite the proper description of lands or lots, and such unpaid taxes shall then be collected by the town treasurers of such towns at the time and in the same manner as town, county, state taxes are collected.

Duty of town
treasurer.

Sec. 9. It shall be the duty of such town treasurers to pay on demand to said commissioners, or any of them all such delinquent taxes by them collected, taking proper vouchers therefor, and in case any part of said taxes shall not be collected by such town treasurers, they shall return the same with the delinquent taxes to the county treasurer who shall collect the same as other taxes are by him collected, and proceed to sale of lands or lots for non-payment as in other cases, and it shall be the duty of the county treasurer and clerk of the county board of Supervisors to pay any such taxes, which may come into their hands to said commissioners and said officers, are hereby made liable upon their official bonds for such moneys in the same manner as is now provided by law touching their liability for other monies.

May work out
unpaid taxes.

Sec. 10. Any person or persons under the direction of said commissioners may work out unpaid taxes on any of the lands or lots described in the assessment roll made by said commissioners at any time after the delinquent lists above named shall have been delivered to the town clerks as aforesaid, and take from said commissioners a certificate setting forth the fact, and describing the land or lots on which the taxes have been so paid, and the holder of said certificate shall be entitled to draw the money from any officer or person who may have the custody of the same at any time when the tax on said land or any part of it shall have been paid by the owner.

Sec. 11. It shall be the duty of said commissioners to expend the money collected, and apply the labor to be done on said road in such manner as will improve the same to

the best advantage. and they shall proceed with the work without unnecessary delay, and each of said commissioners shall receive the sum of one dollar and fifty cents per day for every day necessarily, and actually spent in the discharge of his duties under this act and the acts of any two of said commissioners shall be valid.

Sec. 12. Any person or persons who shall have been assessed to pay tax on the Manitowoc and Calumet road in pursuance of an act passed at the last session of the Legislature, and shall not have paid the said tax at the time of the passage of this act, may elect to have the same applied in the improvement of either of the roads herein before named, and any person or persons who may hereafter in pursuance of the provisions of this act be assessed to pay tax on the "river or State road" herein before named may elect to pay the same for the purpose of improving the Manitowoc and Calumet road, and in such cases the vouchers of the proper board of commissioners or town, or county officer authorized to receive such tax shall be evidence of the payment of the same, and shall discharge the lands charged therewith.

Sec. 13. In case any land so charged with taxes on either of such roads shall at any time have been sold for such taxes. The officer authorized to receive the redemption money on said lands shall upon the written request of the person paying such tax pay the same to the commissioners on either road, which may be designated in such request which shall be by such officer filed in his office, and when such money shall be paid over to either of said boards of commissioners, the officer so paying the same shall preserve proper vouchers and file the same in his office.

Sec. 14. Each of said board of commissioners shall in addition to the accounts, which they are required to keep by said acts respectively keep an accurate account of all money or labor received by them in pursuance of the two next preceding sections of this act together with a correct list of lands on which the same shall be paid, and the name of the person or persons so paying the same.

Approved, March 31, 1853.

An Act relating to the Village of Madison.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION. 1. The President and Trustees of the village of Madison, shall have power, and are hereby authorized,

Chap. 164.

May levy
street tax.

at the time of levying general taxes in said village, annually to levy and collect a street tax upon the real estate in said village, not exceeding one half of one per cent upon the assessed value thereof.

Tax may be
paid in labor.

Sec. 2. Any street tax assessed in pursuance of the foregoing section, may be discharged in labor on the streets of said village; at the rate of one dollar per day, at any time before the first day of September next after the same shall have been assessed, by any person desiring to pay the same; but all such labor shall be performed under the direction of some officer or agent duly empowered by the President and Trustees of said village, and in conformity with such rules, by-laws, or ordinances, as they may adopt in relation thereto.

Licenses, by
whom granted.

Sec. 3. The President and Trustees shall have the sole and only right of granting licences within the corporate limits of said village, for the sale of spirituous or intoxicating liquors, and the funds arising from the granting of such licenses, until required for the support of village poor, shall be set apart as a separate fund, and shall be expended in the construction of reservoirs, purchase of engines, or in the purchase of such other apparatus for the extinguishment of fire, as shall appear necessary and proper.

Power of town
supervisors
ceases.

Sec. 4. All right or power of the Supervisors of the town of Madison, to levy and collect any poll tax upon a resident of, or any road tax upon any real estate lying within the corporate limits of said village, shall from and after the taking effect of this act, cease and determine.

May regulate
police, and for
what purpose.

Sec. 5. The President and Trustees of said village, in addition to their present powers, shall have power to provide for and regulate the police of the village, appoint watchman and fire wardens, prescribe their duties, and punish their delinquencies:

To restrain drunkards, immoderate drinking, noise, improper revelling, obscenity in the streets or public places, and provide for arresting, confining, removing, or punishing by fine or imprisonment any person or persons who may be guilty of the same:

To enforce the penalty of any ordinance or by-law now in force, or which may hereafter be in force in said village, by providing for imprisonment until the fine or penalty shall be paid; and every execution issued upon any judgment for a fine or penalty imposed by any by-law or ordinance of said village, may contain a clause directing, in case of the non-payment of the same, the imprisonment of the defendant until the same shall be paid, or for such time as

provided for by the judgment or ordinance under which the same shall have been rendered: And for the purpose of carrying into effect the provisions of this section, the said village shall have the use of the jail of Dane county, and any and all persons in custody of the Marshal or any constable of said village, liable to imprisonment, may be delivered to the Sheriff of said county, for whose safe keeping and delivery the said Sheriff shall be responsible as in other cases of commitment.

Sec. 6. The expenses incurred by reason of any such imprisonment, shall be added to, and collected as a part of, the execution in the case: *Provided*, That when the defendant shall be insolvent, and the amount of the costs shall not be collected, the same shall be paid out of the village Treasury: And provided further, That the Sheriff of said county shall not charge or receive more than three dollars per week for the board of, and attendance upon any person committed under the authority of said village.

Sec. 8. The President shall be chief of police, and for the purpose of quelling disturbance and enforcing the laws and ordinances within said village, may appoint as many special constables as he may deem proper or necessary, who shall be peace officers, and shall have power to command the peace, make arrests and commitments and do such other acts as may be necessary for the preservation of peace and good order. The Marshal may appoint one or more deputies who shall have the same powers as the Marshal, and for whose acts the Marshal shall be liable upon his official bond.

Sec. 9. All real estate exempt from taxation by the laws of this state, shall be subject to local taxes for the building, improving, or repairing of side-walks in said village.

Sec. 10. All acts and parts of acts contravening the provisions of this act, are hereby repealed. This act to take effect and be in force from and after its passage.

Approved, April 1, 1853.

An Act to authorize certain counties, towns and villages to aid in the construction of the Manitowoc and Mississippi Railroad.

Chap. 165.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for any county through any portion of which any part of said Railroad shall run, or any town or incorporated city or village in such coun-

Authority for
towns or
counties to
issue bonds.

ty, now or hereafter to be organized or incorporated, to issue and deliver to said company its bonds, payable to such person or persons, trustees or corporation, at such time, for such sum or sums, at such rate of interest, transferable by general or special endorsement, or by delivery, and in such manner as may be agreed upon by and between the directors of said Railroad company and the proper officers of said county, town or incorporated city or village, as hereinafter provided ; and to receive in exchange for such bonds, the stock or bonds of said railroad company, in such manner as shall be agreed upon by and between the directors of said railroad company and the proper officers of said county, town or incorporated city or village, as hereinafter provided ; but no such bonds shall be issued or delivered to said company by any such county, town, or incorporated city or village, unless a majority of the legal voters of such county, town or incorporated city or village, voting on the question, shall first have voted in favor of such issue in the manner hereinafter prescribed.

Rail road stock
how exchanged
for bonds.

Sec. 2. Whenever the said railroad company shall desire to exchange any amount of its stock or bonds for the bonds of any such county, town or incorporated city or village, it shall make and deliver to the clerk of the board of Supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, a definite proposition in writing, signed by the president and secretary of said railroad company, and sealed with the common seal of said company ; which proposition shall contain a distinct statement of the amount of the stock or of the bonds of said company which the said company propose to issue to such county, town or incorporated city or village, the time when said bonds shall be payable, the amount for which they shall respectively be issued, the rate of interest which they bear, whether said bonds are first mortgage bonds or second mortgage bonds ; and it shall also contain a distinct statement of the amount of the bonds of such county, town or incorporated city or village, which the said company propose to receive in exchange for its stock or bonds as aforesaid, specifying the person or persons, trustee or corporation to whom they shall be payable, the mode of transfer, the amount of each bond, and the aggregate amount, the rate of interest, and the time of payment. Upon receiving such definite proposition, the clerk of the Board of Supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, shall immediately publish or

cause to be published in the same manner that notices of general or special elections are by law required to be published in counties, towns, incorporated cities or villages, a notice of an election to be held by the legal voters of such county, town, incorporated city or village, at the usual place or places of holding elections in such county, town, incorporated city or village, and at such time as he may designate, which shall not be less than thirty nor more than sixty days from the date of such notice; which notice shall contain a full statement of the proposition made by said railroad company, with reference to the exchange of its stock or bonds for the bonds of such county, town, incorporated city or village, and shall call upon the voters to deposite a ballot upon which shall be written or printed the words, "For the Railroad proposition" or the words "Against the Railroad proposition."

Notices of election.

Provided, That no person shall have the right to vote on said question who is not a real estate owner in said town, city or village, or been assessed therein at the preceding assessment.

Proviso.

Sec. 3. Such election shall be held and conducted in the same manner that other general elections in such counties, towns, incorporated cities or villages are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed, and returned in the same manner as the votes at any such general election; and the canvassers shall make, certify, sign and deposite with the clerk of such county, town, incorporated city or village, a statement of the whole number of votes cast upon the question, as well as a statement of the number for the railroad proposition, and of the number against the railroad proposition.

Election, how conducted.

Sec. 4. If a majority of the legal voters who shall vote on the question at any election to be held in any such county, town, incorporated city or village, in pursuance of the provisions of this act, shall as indicated by the official returns of any such election, vote "for the railroad proposition," it shall be the duty of the proper officers in every such county, town, incorporated city or village, upon receiving from the directors of said railroad company stock or bonds in conformity with the proposition of said railroad company, to issue and deliver to the directors of said railroad company the bonds of such county, town, incorporated city or village, in conformity with such proposition.

Action if a majority vote for railroad proposition.

Officers to
give effect to
this act.

Sec. 5. For the purpose of giving effect to the provisions of this act, the proper officers of every county, town, incorporated city and village, mentioned in this act, are hereby declared to be the chairman of the county Board of Supervisors, and the clerk of the Board of Supervisors in each county; the chairman of the Board of Supervisors, and town clerk in each town; the mayor and city clerk of each incorporated city; and the president and clerk of each incorporated village. And all bonds issued by any of the said counties, towns, incorporated cities or villages shall be signed by the proper officers as aforesaid, of the said counties, cities, villages, under their corporate seal respectively. And all bonds issued by any such town shall be signed by the proper officers of such town, and have annexed to them the official certificate of the clerk of the county Board of Supervisors, under his official seal, that they are such officer, and that their signatures are genuine.

Counties or
towns liable
for bonds
issued.

Sec. 6. Every county, town, incorporated city and village, which, by the provisions of this act, is authorized to issue any bonds, shall be severally liable in law faithfully, promptly, and at maturity to pay and discharge the principal and interest due upon every such bond; and the separate faith of every county, town, incorporated city or village, is pledged for the prompt discharge of every such liability; and all the liabilities which by the principles of the common law, attach to municipal corporations with reference to their corporate liabilities, are hereby declared to be in full force with reference to the liability of any county, town, incorporated city or village, for the payment of the principal and interest of any bond by them or any of them, issued in pursuance of the provisions of this Act.

Authority to
subscribe for
stock.

Sec. 7. Whenever it shall be agreed by any such county, town, incorporated city or village, to loan its credit and to take the stock of said incorporated company in lieu of other securities, it shall be the duty of the proper officers of such county, town, incorporated city or village, and they are hereby authorized to subscribe for their county, town, incorporated city or village, respectively, shares to the capital stock of said railroad company to the amount of the credit agreed to be loaned, and to issue the bonds of such county, town, incorporated city or village, to pay such shares of stock, such bonds made payable in twenty years, with interest payable semi-annually, in the city of New York, not exceeding seven per cent.

Sec. 8. The said company shall guarantee the payment of the principal and interest of such bonds and the shares of stock in said company thus taken by any county, town, incorporated city or village, and all dividends arising from the same, are hereby irrevocably pledged for the payment of the interest and principal of said bonds.

Company to
pay interest
on bonds.

Sec. 9. The chairman of the county and town Board of Supervisors, the mayor and president of the incorporated city or village, shall attend the annual or special meeting of the stockholders of said Railroad company for the election of directors thereof, and shall be entitled to cast one vote for every share of stock which his county, town, incorporated city or village, shall hold in said railroad company, and in case of his absence or inability to attend he shall appoint in writing under his hand, some other person who shall have the same power.

Votes on stock
how cast.

Sec. 10. The dividends which may accrue on said shares of stock held by county, town, city or village, shall be annually applied towards the payment of the interest of their bonds, and the surplus, if any, shall be securely invested by the officers of such county, town, city or village, as a sinking fund to meet the payment of said bonds, when the same shall become due and payable.

Dividends.

Sec. 11. Whenever said Railroad company shall pay said bonds, and return the same cancelled to the officers of any such county, town, city or village, it shall be their duty, and they are hereby authorized, to surrender the shares of stock held by such corporation, and pay over to said company any surplus fund from dividends that may be held by such county, town, city or village.

When bonds
are cancelled.

Approved, April 1st, 1853.

An Act to incorporate the North-Western Insurance Company.

Chap. 166.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That all such persons as do become stockholders in the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate, by the name and style of the North-western Insurance Company, and by that name shall have all the privileges, franchises and immunities incident to a corporation; and in their corporate name may sue and be sued, plead and be impleaded, contract and be contracted with; may have a common seal,

Stockholders
incorporated.

and may alter the same at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of said corporation. The office of said company shall be in the city of Milwaukee.

Capital stock. Sec. 2. The capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and there shall be paid into the treasury of said company, by each subscriber to the capital, at the time of subscription, an installment of ten per cent. on the stock by him subscribed, the remainder to be paid or to be amply secured to be paid, on real estate, or other securities, as the commissioners hereinafter mentioned shall deem sufficient, and until five hundred shares of said stock is subscribed for and paid, or secured to be paid as aforesaid, said company shall not commence business.

Board of directors. Sec. 3. The stock, property and affairs of said corporation shall be managed and conducted by a Board of not less than five nor more than nine directors, to be elected annually by the stockholders, and such officers, clerks, and agents, and other persons, as said directors may, from time to time, appoint.

Commissioners. Sec. 4. Talbot C. Dousman, James Ludington, A. G. VanSchaich, John M. Loomis, J. E. Kelly and Asahel Finch junior, shall be commissioners to the capital stock of said company, and when said stock shall be subscribed and paid or secured to be paid as mentioned in the second section of this act, said commissioners, or a majority of them, shall call a meeting of the stockholders by advertisement published at least one week previously in some newspaper published in the city of Milwaukee, stating the time and place at which such meeting shall be held, and said stockholders shall by ballot elect the first directors of said company, said commissioners shall act as inspectors of said election, and if there should be any deaths or resignations from the commissioners above appoint, then the remainder shall appoint others to fill the vacancies.

Election of directors. Sec. 5. The annual election for directors shall be held on the first Monday of February in each year, at such place in the city of Milwaukee as a majority of the directors may appoint, and the polls of said election shall be opened at two o'clock, and remain open until four o'clock of said day, of which notice shall be given in some public newspaper published and circulated in the county of Milwaukee, at least two weeks previous to said election; said

election shall be held under the direction of three stockholders, to be appointed by a majority of the directors, and directors shall be elected by a plurality of the votes of the stockholders present at such election, and their proxies, allowing one vote for each share of stock subscribed.

Sec. 6. It shall be the duty of the directors on organizing, and immediately after each annual election, to choose from their number a president, a vice-president, and secretary, and the vice president shall perform all the duties of the president in case of his absence or inability. Officers.

Sec. 7. The said company shall have power to make insurance upon vessels, freights, goods, wares, merchandize, specie, jewels, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance connected with marine risks and the risks of transportation and inland navigation; also, upon dwelling-houses, stores and all kinds of buildings, household furniture, merchandize, and all other property, against loss or damage by fire, and re-insure the same; and also all and every insurance appertaining to or connected with life insurance, and to cause themselves to be insured when deemed expedient, against any risk or risks on which they have made or may make insurance. Powers of company.

Sec. 8. All policies of insurance or other contracts authorized by this act, which may be made and entered into this corporation, may be with or without seal thereof, and shall be subscribed by the president or vice-president and attested by the secretary, and being so signed, executed and attested, shall be binding and obligatory upon said corporation. Policies, how attested.

Sec. 9. It may be lawful for the said company to loan money in such sums as the directors may see fit, and for any length of time, at rates of interest not above those now allowed by law, to take and hold any real estate or securities, mortgage or pledge to said company, to secure the payment of any debt which may be contracted with said company, and to foreclose the same, and to purchase on sale made by virtue of any judgment at law or by order or decree of any court of equity, or by any other legal proceeding or otherwise, to receive and take any real or personal estate in payment or towards satisfaction of any debt contracted and due to the said company, and to hold and improve the same until they can conveniently sell and convert the same into money or other personal property, and also to invest the May loan money.

capital stock, and so much of the surplus profits as they may deem fit, in such manner as the directors shall decide, and call in and re-invest the same so often as it shall be deemed necessary for the interests of said company.

Stock transferable.

Sec. 10. The capital stock of said corporation shall be transferable according to the rules and regulations prescribed by the directors; and every subscriber of any share or shares of said stock who shall neglect to pay the instalments aforesaid, or secure the residue of the share or shares by him subscribed, shall forfeit the same to the said company or corporation and all payments made thereon, and all profits that may have arisen thereon.

Dividends.

Sec. 11. It shall be lawful for the directors of said company or corporation to make a dividend of so much of the profits of the said company as shall appear devisable; but the dividend shall not at any time exceed the amount of clear profits made by the company, but the capital stock shall be and remain unimpaired, and if the said directors shall at any time knowingly make a dividend of the capital aforesaid, they shall be individually liable for the proportion of stock so divided to each, and an action of debt may be brought against them or any of them, in any court of record in this state, by any creditor of said company, and each director present when such dividend shall be made, shall be adjudged consenting thereto unless he shall forthwith protest against such dividend, and request his protest to be entered in the minutes of the company, and give notice to the stockholders of the declaring of such dividends, by advertising his said protest within ten days thereafter in a newspaper published and circulated in the county of Milwaukee.

Sec. 12. Nothing in this act shall be construed to authorize the business of banking.

Approved, April 1, 1853.

Chap. 167.

An Act to incorporate the Berlin and Lake Superior Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners.

SECTION 1. J. Volney Swetting, A. W. Hackley, Geo. C. Tallman, S. W. Morton, Geo. W. Cate, E. Wheeler, E. Field be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Berlin and Lake Superior Railroad Company, hereby in-

incorporated; and they may cause books to be opened at such times and places as they may direct for the purposes of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions, by publishing the same weekly in some newspaper printed in the county of Marquette.

Sec. 2. The capital stock of said company shall be six millions of dollars, and shall be divided into sixty thousand shares of one hundred dollars each, and as soon as four hundred shares shall have been subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall become stockholders in conformity with the provisions of this act, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic by the name and style of the Berlin and Lake Superior Railroad Company, and by that name shall have perpetual succession and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, they may make, have and use a common seal, and alter, break or renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of the said corporation.

Capital stock.

Sec 3. The said commissioners, or a majority of them, after the said four hundred shares of stock are subscribed, shall close the books of subscription and shall give at least thirty days notice in the newspapers hereinbefore mentioned of the time and place by them appointed for the stockholders to meet for the purpose of electing thirteen directors, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors and until other directors are elected.

Directors how elected.

Sec 4. All of the affairs of the said corporation, shall be managed by a board of thirteen directors, who shall be stockholders, and who are hereby invested with all the powers of the said corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held on the first Wednesday of

Affairs managed by board of directors.

February, by the stockholders of the said company, on the like notice as herein prescribed for the first election of directors. The votes shall be delivered in person, or by proxy duly authorized, and in all cases in which stockholders shall vote, each share of stock shall be entitled to one vote, and in all elections of directors, those stockholders equal to the number to be elected, having the greatest number of votes shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If from any cause an election of directors shall not be had at the time when by the provisions of this act it should be had, the same may be had at any other time, on thirty days notice to be given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities by reason of the irregularity or want of such election. The board of directors may at any time increase or diminish the number of directors to be elected at the next annual meeting of the stockholders: *Provided*, The number shall not be less than five nor more than fifteen, and in case of such increase or diminution the number to be elected shall be specified in the notice of election.

Majority to
constitute
quorum.

Sec. 5. A majority of the board shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall decide upon; they shall elect by ballot one of their own number to be President, who shall when present preside at all meetings of the directors, and when absent the directors may appoint a President pro tem. The board of directors shall appoint a Secretary, Treasurer, and such engineers, superintendents, agents, and other officers as they may find necessary, fix their compensation, and may demand adequate security for the faithful discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscription to the capital stock of the company, or open new books under their own direction, or the direction of a majority of them, or under the direction of such person or persons as they may designate; to decide upon the amount to be paid on such subscription, the time and manner and proportions in which the stockholders shall pay subsequent instalments on their respective shares, and to forfeit to the use of the company the share

or shares of any person failing to pay any instalments so required; to regulate tolls and charges for the transportation of freight and passengers, to make such covenants, contracts and agreements with any person or persons, co-partnership or corporation whatsoever, as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company for the leasing or purchase of the whole or any part of any railroad constructed or to be constructed by such railroad company; to make and establish such by-laws, rules, orders and regulations, not inconsistent with the Constitution and laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all of the operations, receipts, disbursements, and all other affairs and proceedings of said company. By-laws.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the President and Secretary and sealed with the common seal of the company, subject however to all the payments due and to grow due thereon, which stock shall be transferable in such manner as shall be provided by the by-laws of the company. Shall issue certificate of stock.

Sec. 7. At each annual meeting of the stockholders, for the election of directors, the directors of the preceding year shall exhibit to the stockholders a complete statement of the affairs and proceedings of the company for such year. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying the object of such meeting. Statement of affairs.

Sec. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from such eligible point in the village of Berlin, in Marquette county, to such eligible point on Lake Superior, near the most western point of said Lake, as shall be determined upon by the said board of directors, and the said company shall have power to transport, take, and carry property and persons upon said road by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make, construct, and put in operation all such turn-outs, side Powers of company.

tracks and connecting tracks or branches, as they shall think will promote the interests of the company, warehouses, car houses and shops, engine shops, toll houses, machine shops, and all other fixtures useful for the accommodation of said road and of those using it; to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running said road, and they shall have power to connect the said railroad with any other railroad or branch railroad coming in contact therewith, and to operate the same in connection with such other railroad or branch railroad, and to lease or purchase from any other railroad company the whole or any part of any railroad or branch railroad owned by such company, or to lease or to sell to any other company the whole or any part of the railroad to be built or owned by this company.

Commence-
ment and com-
pletion.

Sec. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sums of money from any person or persons, corporations, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, any law upon the subject of usury in this State to the contrary notwithstanding; and to make, execute and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said corporation in consideration of any such loan or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road, and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely, the construction of a railroad from and to the points aforesaid, are hereby ratified and confirmed, and the contracts and official acts of said company are declared binding in law and equity upon said corporation and upon all other parties to such contracts.

Sec. 10. If said corporation shall not within five years from the passage of this act commence the construction of said road, and in fifteen years from the time aforesaid complete the same, then the rights, privileges, and powers of said corporation under this act shall be null and void.

Sec. 11. It shall be lawful for said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage,

and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, ^{May enter upon} engineers, contractors, and servants at any time to enter ^{on land.} upon, take possession of, and use such land, not exceeding one hundred feet in width along the line of said route; subject however to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided in such cases respectively, and it shall further be lawful for said company, by their officers, engineers, and agents to enter upon lands adjacent to the railroad beyond the limits provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation of the business of said road and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel, and stone taken from deep cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage, and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provisions of this act, and when such damage shall have been paid or tendered, the title to the land occupied by such buildings, fixtures, excavations, and embankments shall vest in fee simple in said company, agreeably to the provisions of this act, and it shall further be lawful for said company to purchase and hold in fee simple lands adjoining or adjacent to the railroad, for the purpose of procuring earth, gravel, or other materials for embankments and structures necessary to the construction and repairs of said road and necessary buildings, and whenever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

Sec. 12. The said company shall have the right to enter upon any lands required for their use as provided in the eleventh section of this act, and to survey and lay out said road, not exceeding one hundred feet in width, and the said company shall, if possible, agree with the owner of said lands, as to the amount of compensation to be paid for said lands, whether such persons shall own or possess the

Compensation
for land, how
fixed.

legal or equitable title to the same, or any lien or incumbrance on the same; and if the person or persons owning or possessing the legal or equitable title, lien or incumbrance, shall be a minor non compos mentis, insane or married woman, or under any legal disabilities then with the guardian of such person, or the husband of such married woman; and if said company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit: the said company shall select a disinterested arbitrator and such owner, guardian or husband shall select another, who shall be disinterested and not of kin to him, or if they should neglect or refuse, for the space of three days after being notified by said company, so to do, or if they be non-residents of this state, they shall be notified by mail, by letter signed by the secretary, and addressed to their usual place of residence, to select such arbitrators, and if they shall refuse or neglect, for the space of sixty days after mailing such letter, then in all cases of neglect or refusal as aforesaid, the judge of the county court or chairman of the county board of supervisors of the county in which such land shall lie, shall appoint three competent persons to act as arbitrators, who shall not be of kin to the claimants, or in any manner interested in said company and the said arbitrators, having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation, which shall be paid by said company, to such persons, for the land so taken, and shall deliver a copy of their award in writing, to each of the parties, and if the amount awarded by said arbitrators, shall be more than said company had previously offered to pay, then said company shall pay all the expenses of said arbitration, and if it shall be less, then the other party shall pay such costs. And either party may, within ten days after receiving a copy of such award, appeal from the same to the court of proper jurisdiction for the county in which such land is situated, by giving written notice of such appeal to some one of the arbitrators, and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said case on its docket, setting down the claimant or claimants as plaintiffs, and the said company as defendants, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all the facts and cir-

circumstances which said arbitrators were by this act required to take into consideration, and the said court shall thereupon proceed to render judgment in favor of said claimant against said company; and if the amount so found for said claimant shall exceed the amount so found by said arbitrators, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said arbitrators, then judgment shall be rendered in favor of said company for costs, and against said claimant. And when such compensation, so to be ascertained, according to the provisions of this act, shall be paid or tendered to the party entitled to the same, the title to said land shall vest in said company in fee simple, and a copy of such award or judgment filed in the office of the register of deeds of the county in which the lands lie, shall be sufficient evidence of such title, and the said company shall have full power and authority pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of said lands for all the lawful purposes of said corporation, and they shall not while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding, either at law or equity. The said arbitrators before entering upon their duty shall severally take and subscribe an oath to faithfully and honestly perform the duties of their appointment, which oath shall be returned with their award.

Sec. 13. The said company may construct the said railroad across any public or private road, highway, stream of water, or water course, if the same shall be necessary; but the said company shall restore such road, highway, stream of water or water course, to its former state or in a sufficient manner not to impair the usefulness of said road, highway, stream of water or water course, to the owner or to the public. May cross
Highways.

Sec. 14. On the completion of said railroad, or any section of the track, not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money, for passage and freight of persons and property, as they shall from time to time think reasonable. May receive
freight.

Sec. 15. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building, or

Penalty for
obstructing
roads.

machinery attached to or in use upon the same, belonging to said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road such person or persons so offending, shall, each of them for every such offence, forfeit and pay a sum not exceeding three times the amount of the damages caused by such offence, which may be recovered in the name of said company, by action of debt in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment, and upon conviction of any such offence, shall be punished by fine and imprisonment, or either at the discretion of the court.

Shall fence
road.

Sec. 16. The said company before opening their road through enclosed ground, shall erect such fencing as shall preserve such enclosure entire and shall before they commence to use their road as a railroad erect a good and sufficient fence on both sides of their road through all such enclosed grounds and shall maintain the same.

Public act.

Sec. 17. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes thereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof, in all cases.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved, April 1, 1853.

An Act to organize the Town of Portland.

Chap. 168.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Boundaries.

SECTION. 1. All that tract of country bounded and described as follows, to wit: commencing at the north east corner of the town of Manchester in the county of Calumet, and running thence north on old Stockbridge reserve line to the north east corner of said reserve, and thence west along the reserve line to the north east corner of the present stockbridge reserve, and thence south along the east line of the present stockbridge reserve, to the north line of the said town of Manchester, and thence east along the north line of the said town of Manchester to the place of beginning, is hereby constituted a separate town to be called the town of Portland.

Sec. 2. The first town meeting in the town hereby organized shall be held at the house of Otto Schucht in the village of Stantonville in said town of Portland, on Thurs-

day the 21st day of April A. D. 1853, and it shall be law ful at such town meeting for the electors of said town to elect the same officers as towns are now authorized by law to elect at annual town meetings, and shall possess the same powers to do any business relating to said town, that the electors of the several towns in this State have to transact at their annual town meetings, and said town meeting shall be conducted in the same manner in all respects as far as practicable as annual town meetings are in this State conducted.

First town meeting.

Sec. 3. This act shall take effect from and after its passage.

Approved, April 1, 1853.

An Act to Incorporate the Columbus Montello and Stephens Point rail road Company.

Chap. 169.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. James T. Lewis, A. G. Cook, George Griswold, E. R. Stephens, George B. Worth, E. B. Kelsey, Enoch Glenson, E. Smith, G. W. Cate, A. G. Ellis, James S. Young, Isaac H. Comstock, Hubbell West, jr., be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Columbus, Montello and Stephens Point rail road company, hereby incorporated and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions, by publishing the same weekly, in newspapers printed in the counties of Dodge and Marquette.

Commissioners.

Sec. 2. The capital stock of said company shall be divided into sixteen thousand shares of fifty dollars each, and as soon as three hundred shares of stock shall be subscribed, and five per cent on each share actually paid in, the subscribers of such stock, with such other persons as shall become stockholders in conformity with the provisions of this act, their successors and assigns, shall be, and they are hereby declared and created a body corporate and politic, by the name and style of the Columbus, Montello, and Stephens Point Railroad Company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises, and immunities, incident to a cor

Capital stock.

poration: and they shall be capable in law of purchasing, holding, and selling, leasing and conveying estates, either real, personal or mixed; they may make, have, and use a common seal, and alter, break or renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular, the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of the said corporation.

Directors how elected. Sec. 3. The said commissioners, or a majority of them, after the said three hundred shares of stock are subscribed, shall close the books of subscription, and shall give at least thirty days notice in the newspapers hereinbefore mentioned, of the time and place by them appointed, for the stockholders to meet, for the purpose of electing thirteen directors, and the directors thus elected, shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Affairs managed by a board of directors. Sec. 4. All the affairs of the said corporation shall be managed by a board of thirteen directors, who shall be stockholders, and who are hereby invested with all the powers of the said corporation. They shall be chosen annually by ballot, at the annual meeting of the stockholders, (which shall be held on the first Wednesday of February,) by the stockholders of the said company, on like notice as is herein prescribed, for the first election of directors. The votes shall be delivered in person, or by proxy duly authorized, and in all cases in which stockholders shall vote, each share for stock shall be entitled to one vote, and in all elections of directors, those stockholders, equal to the number to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If from any cause, an election of directors should not be had at the time, when by the provisions of this act it should be had, the same may be had at any other time, on thirty days notice, to be given as aforesaid, and until such election be had, the directors of the preceeding year shall continue to act; and that the corporation hereby created, shall not forfeit or loose any of its privileges, franchises or immunities, by reason of the irregularity or want of such election. The board of directors may at any time, in-

crease or diminish the number of directors to be elected at the next annual meeting of the stockholders; *Provided*, That the number shall not be less than five, nor more than twenty, and in case of such increase or diminution, the number to be elected shall be specified in the notice of election;

Sec. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business: they shall meet at such times and places, and be convened in such manner as they shall decide upon; they shall elect by ballot one of their own numbers to be president, who shall, when present, preside at all meetings of the directors, and when absent, the directors may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents and other officers as they may find necessary; fix their compensation, and may demand adequate security for the discharge of their respective duties and trusts, and fill any vacancy in their board. The directors shall have power to re-open the books for subscription to the capital stock of the company or open new books under their own direction, or the direction of a majority of them, or under the direction of such person or persons as they may designate; to decide upon the amount to be paid on such subscription, the time and manner and proportions in which the stockholders shall pay subsequent installments on their respective shares, and to forfeit to the use of the company, the share or shares of any person failing to pay any installments so required; to regulate tolls and charges for the transportation of freight and passengers; to make such covenants, contracts and agreements with any person or persons, copartnership or corporation whatsoever, as the execution and management of the works, and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company, for the leasing or purchase of the whole or any part of any railroad constructed or to be constructed by such railroad company; to make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States, or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs and proceedings of said company.

Majority to constitute a quorum.

By-laws.

Shall issue
certificate of
stock.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the President and Secretary and sealed with the common seal of the company, subject however to all the payments due or to grow due thereon; which stock shall be transferable in such manner as shall be provided by the by-laws of the company.

Statement of
affairs.

Sec. 7. At each annual meeting of the stockholders for the election of the directors, the directors of the preceding year shall exhibit to the stockholders, a complete statement of the affairs and proceedings of the company for such year. Special meetings of the stockholders may be called by order of the board of directors or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting.

Powers of
company.

Sec. 8. The said company shall have power to locate and construct a rail road with one or more railways or tracks from such eligible point in the village of Columbus, via: the town of Marcellon, and the village of Montello to such eligible point in or near the village of Stephens Point as shall be determined upon by the said board of directors and the said company shall have power to transport, take and carry property and persons upon said road, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them; and to make, construct, and put in operation all such turn-outs, side tracks, and connecting tracks, as they shall think will promote the interests, of the company, warehouses, cars houses and shops engine shops, toll-houses, machine-shops, and all other fixtures useful for the accommodation of said road and of those using it, to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running said railroad, and they shall have power to connect the said rail road with any other railroad or branch rail road in this State, and to operate the same in connection with such other rail road or branch rail road and to lease or purchase from any other railroad company, the whole or any part of any railroad or branch rail road owned by such company or to lease or to sell to any other company, the whole or any part of the railroad to be built or owned by this company, and the said company is hereby authorized and empowered to construct the said rail road in sections, and the franchise of the sections so completed shall vest in the

said company the same as though the whole were completed.

Sec. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sums of money, from any person, or persons, corporation, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company, and any person or party of whom such money may be obtained, any law on the subject of usury in this State or any other State where such transactions may be made to the contrary notwithstanding; and to make, execute and deliver all necessary writings, notes, bonds, mortgages or other papers and securities in amount and kind as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road; and the powers of said corporation, for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely: the construction of a railroad from and to the points aforesaid, are hereby ratified and confirmed; and the contracts and official acts of said company declared binding in law and equity upon said corporation and upon all other parties to such contracts.

May borrow money.

Sec. 10. If said corporation shall not within three years from the passage of this act, commence the construction of said rail road, and in ten years from the time aforesaid, complete the same, then the rights, privileges, and powers of said corporation under this act shall be null and void.

Commencement and completion of road.

Sec. 11. It shall be lawful for said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents officers, engineers, contractors and servants, at any time to enter upon, take possession of, and use such land, not exceeding one hundred feet in width along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided, in such cases respectively; and it shall further be lawful for said company, by their officers, engineers, and agents, to enter upon lands adjacent to the railroad, beyond the limits provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and neces-

May enter upon land.

any fixtures for the operation and the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposite earth, gravel and stone taken from the deep cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage, and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provisions of this act; and when such damage shall have been paid or tendered, the title to the land occupied by such building, fixtures, excavations, and embankments shall vest in fee simple in said company, agreeably to the provisions contained in this act, and it shall further be lawful for said company to purchase and hold in fee simple, lands adjoining or adjacent to the railroad, for the purpose of procuring earth, gravel, or other materials for embankment and structures necessary to the construction and repairs of said road and necessary buildings; and whensoever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

State lands.

Sec. 12. In case the said company shall locate the line of their railroad on any lands belonging to the State, the said lands to the extent of one hundred feet in width along the line of said road, are hereby granted to said company so long as the said company use the same for the purposes of said road.

Compensation
for land, how
fixed.

Sec. 13. The said company shall have the right to enter upon any lands required for their use, as provided in the eleventh section of this act, and to survey and lay out said road not exceeding one hundred feet in width, and the said company shall, if possible, agree with the owner of said lands, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same; and if the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, non compos mentis, insane, or married woman or under any legal disabilities, then with the guardian of such person, or the husband of such married woman; and if said company cannot agree with

such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit: The said company shall select a disinterested arbitrator, and such owner, guardian or husband, shall select another who shall be disinterested and not of kin to him; or if they should refuse or neglect for the space of three days after being notified by said company, to do so, or if they be non residents of this State, they shall be notified by mail, by letter, signed by the secretary, and addressed to their usual place of residence, to select such arbitrator; and if they shall refuse or neglect for the space of sixty days after mailing of such letter, then, in all cases of neglect or refusal as aforesaid, the judge of the county court, or chairman of the county board of supervisors of the county in which such land shall lie, shall appoint three competent persons to act as arbitrators, who shall not be kin to the claimants, or in any manner interested in said company, and the said arbitrators having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said company, to such person, for the land so taken, and shall deliver a copy of their award in writing, to each of the parties, and if the amount awarded by said arbitrators shall be more than said company had previously offered to pay, then, said company shall pay all the expenses of said arbitration; and if it shall be less, then the other party shall pay such costs; and either party may, within ten days after receiving a copy of such award, appeal from the same, to the court of the proper jurisdiction for the county in which such land is situated, by giving written notice of such appeal to some one of the arbitrators; and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said court; and the said court shall enter said case on its docket, setting down the claimant or claimants as plaintiffs, and the said company as defendants; and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were by this act required to take into consideration; and the said court shall thereupon proceed to render judgment in favor of said complainant against said company: and if the amount so found for such complainant shall exceed the amount so found by said arbitrators, the judgment shall be rendered against said company for

Arbitrators.

May appeal.

costs; and if it shall not exceed the amount so found by said arbitrators, the judgement shall be rendered in favor of said company for costs, and against said claimant.— And when such compensation so to be ascertained according to the provisions of this section, shall be paid or tendered to the party entitled to the same, the title of the said lands shall vest in the said company in fee simple; and a copy of such award, or judgment, filed in the office of the register of deeds, of the county in which the lands lie, shall be sufficient evidence of such title: and the said company shall have full power and authority pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possession of said lands for all the lawful purposes of said corporation, and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment by any proceeding, either at law or in equity.

Copy of judgment filed,
and where.

May cross
highways.

Sec. 14. The said company may construct the said rail road across any public or private road highway, stream of water, or water course, if the same shall be necessary, but the said company shall restore such road, highway, stream of water, or water course, to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, stream of water or water course, to the owner or to the public.

May charge
for freight or
passage.

Sec. 15. On the completion of said railroad, or any section of the track, not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from time to time think reasonable.

Penalty for in-
juring or ob-
structing road.

Sec. 16. If any person shall willfully and knowingly injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building or machinery attached, or in use upon the same, belonging to said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road, such person or persons so offending, shall, each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence; which may be recovered in the name of the said company by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment;

and upon conviction of any such offence, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Sec. 17. This act is hereby declared to be a public act, Public act. and shall be favorably construed, to effect the purposes thereby intended, and copies thereof, printed by the authority of the State, shall be received as evidence thereof in all cases.

Sec. 18. The said company, before opening their road Shall fence road. through enclosed grounds, shall erect such fencing, as shall preserve the enclosure entire, and shall, before they commence to use this road as a railroad, erect a good and sufficient fence on both sides of the road, through all such enclosed grounds, and shall maintain the same.

Sec. 19. This act shall take effect and be in force from and after its passage.

Approved, April 1, 1853.

An Act to amend the Charter of the City of Milwaukee.

Chap. 170.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Part one of section three of Chapter Acts amended. four of the act to consolidate, and amend the act to incorporate the city of Milwaukee and the several acts amendatory thereof, approved, March 3d, 1852, is hereby amended so as to read as follows :

1. To license and regulate the exhibitions of common How amended. showmen, or shows of any kind, or the exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law ; and to grant licenses, and regulate groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous, or fermented liquors : *Provided*, That the license for so dealing in, or vending spirituous or fermented liquors, shall be fifteen dollars a year, and that no license shall be granted for a less term than six months ; but city orders due or to become due within a year shall be receivable in payment for such licenses.

Sec. 2. This act shall take effect and be in force, from and after its passage.

Approved, April 1, 1853.

An act to authorize the Mayor and Common Council of the City of Milwaukee to issue bonds to raise money for the construction of a harbor at the straight cut in said city.

Chap. 171.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

May issue bonds.

SECTION 1. The mayor and common council of the city of Milwaukee, are hereby authorized and empowered to issue bonds of said city, to an amount not exceeding fifty thousand dollars bearing interest not to exceed seven per cent per annum, and for a time not less than ten nor more than twenty years, to raise money to be expended under the direction of the mayor and common council, in the construction of a harbor at the "straight cut" in said city, as designated by Centre and Roe's survey made in the year eighteen hundred and thirty six, and also to provide for the payment of the interest on the amount of bonds issued.

Power for constructing harbor.

Sec. 2. For the purpose of constructing such harbor, the said common council shall have the power to open, excavate, and dredge a new channel to the Milwaukee river into the deep water of Lake Michigan, through centre street in the third ward, and for that purpose may take, and use so much of said centre street and of any land adjoining, as may be necessary, and said common council shall have the power to erect construct and maintain such docks, piers, and other works, in the Milwaukee river, and in Lake Michigan as shall be necessary to keep open said channel, and to permit at all times a safe, and convenient ingress and egress, through the same to all vessels navigating the waters of said lake.

Public wharves.

Sec. 3. Said common council shall also have the power to take and lay out, such portion of ground as may be selected for that purpose on either side of such new channel, mentioned in the next preceding section for public wharf or wharves.

Necessity for taking land must be established.

Sec. 4. In case any land or lots shall be taken for the construction of such harbor or for the laying out of such wharf or wharves which shall not have been ceded for that purpose, by the owner or owners thereof, the necessity of taking the same shall be first established by a verdict of a jury in the same manner as is provided for laying out public squares, grounds and streets, in chapter six of "an act to incorporate the city of Milwaukee" and the several acts amendatory thereof, approved, Feb. 20, 1852, and the compensation to be paid for the land taken for such new channel or harbor and also for such public wharf or

wharves and the damages, and benefits arising therefrom shall be assessed as required by said chapter six, and all the provisions of said chapter so far as the same are applicable are hereby adopted as part of this act; *Provided*, That no portion of the cost of the construction of that part of the harbor, east of the water line of the lake shall be assessed as benefits.

Sec. 5. It shall be the duty of the common council to cause accurate maps, plans and profiles, of the purposed harbor, and improvements to be made, and filed in the office of the clerk of said city, and to let out the work by contracts to the lowest bidder giving reasonable notice to invite proposals. Maps to be filed.

Sec. 6. Before issuing any bonds as authorized in the first section of this act, the common council shall submit the question of such loan to the legal voters of the city of Milwaukee at an election to be called for that purpose of which, at least ten days notice shall be given, at which election the votes shall be by ballot, which shall have written or printed thereon, the words "for the harbor loan," or the words against the harbor loan, and if a majority of all the votes cast on that subject shall be "for the harbor loan" then the common council shall issue said bonds and not otherwise. Question to be submitted to the people.

Sec. 7. It shall be the duty of the common council, and it is hereby authorized to provide for the payment of the interest and principal of any bonds which shall be issued under this act, and for that purpose it may levy a tax sufficient to pay the same on the real and personal property of the city of Milwaukee. Payment of interest.

Approved, April 1, 1853.

An act to authorize the laying out of a State road therein named.

Chap. 172.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. H. S. Allen, of Chippewa county, Leander G. Merrill and Jacob Spalding of Jackson county, be and they are hereby appointed commissioners to survey, and lay out a State road from the point, where the present Black river and St Croix road crosses the Trempleau river in Jackson county, thence in a north, and north easterly direction to Chippewa Falls, on the best and most feasible ground, and from Chippewa Falls, the said commissioners may run said road and intersect the said St Croix road, at

a point in their judgement the most fasible; *Provided* the expense of said survey and location be done at the expense of Jackson, and Chippewa counties, or the commissioners.

Sec. 2. The commissioners after this road shall have been surveyed and located, shall cause the said survey to be put on record in the registers office of each county through which the said road may be run.

Approved, April 2, 1853.

An Act to authorize the laying out of State road therein named.

Chap. 173.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. David Rubinson, Loyd L. Lewis and Charles Price, be, and they are hereby appointed commissioners to survey, and lay out a State road, commencing in the village of La Crosse, thence north under the Bluff's of the Mississippi river to the place where the present road turns east, in the valley of Half way creek, thence on the nearest and best route to section nineteen (19), in town eighteen (18,) north of Range six (6) west, thence on the nearest route, and best ground to Robinson's Mills, thence along the east side of Black river to Black river Falls; *Provided*, the whole expense of said survey and location be paid by the counties of La Crosse and Jackson, or by the commissioners.

Approved April 2, 1853.

An Act to establish a Ferry at Cedar Rapids, on Fox river in the county of Outgamie

Chap. 174.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Rights and
privileges.

SECTION 1. That Paul Tebo his heirs executors administrators and assigns, shall have the right and privilege, for the period of ten years, of keeping and maintaining a ferry across the Fox river at or near the point when the dam at Cedar Rapids crosses said river.

Rates of toll.

Sec. 2. The ferry shall be subject to such regulations as other ferries are or may be by law subject, and the proprietor thereof shall be entitled to receive for crossing any vehicle, drawn by two horses or one yoke of oxen fifty cents; for one horse and wagon thirty cents; for each additional horse or ox fifteen cents; for man and horse twen-

ty five cents; for cattle or horses in droves five cents each; *Provided*, hogs and sheep shall not be charged more than three cents per head.

Sec. 3. No ferry shall be licensed within one and a half miles, either above or below the point where the ferry above provided shall be established.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

An Act to incorporate the German Medical Society of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 175.

SECTION 1. Frederick A. Luning, E. Wunderly, Frantz Ortalli, Edward Wundsch, Christian Fessel, Ferdinand Wetze, — Krack and J. P. Fuchs, their associates and successors, are hereby created a body corporate and politic by the name of the German Medical Society of the city of Milwaukee, and by that name to remain in perpetual succession for the purpose of mutually promoting and increasing their scientific and practical knowledge, and protecting the rights and interests of the medical profession, with power for such purpose to take by purchase, devise or otherwise, and to hold, transfer and convey real and personal property to the amount of five thousand dollars, and also further to take, hold and convey all such books, cabinets, library furniture or apparatus as may be necessary or useful for attaining the objects, and carrying into effect the purposes of the said society, and they are further hereby declared to be in law capable in their aforesaid corporate name of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever, and they may have a common seal, which they may alter and renew at pleasure.

Sec. 2. The control and disposition of the funds, property and estate, and the direction and management of all the concerns of said society under such directions and restrictions as may be imposed by the rules and regulations thereof, shall be vested in a Board of Directors to consist of the President, Secretary and Treasurer of the said society, who shall be elected annually to their respective of-

Affairs managed by director.

fices at such time as shall be appointed by the rules and regulations of the said society.

By-laws and
regulations.

Sec. 3. The said society shall have power to make such by-laws and regulations relative to the affairs, concerns and property of said society, relative to admission and expulsion of members, the time and manner of elections, the number and duties of officers, and relative to donations and contributions, and to alter matters of interest to the said society, as a majority of the members shall think proper at any regular meeting of the said society; *Provided*, That such by-laws, rules and regulations be not contrary to nor inconsistent with the laws of the United States or of the State of Wisconsin.

Vacancies.

Sec. 4. The Board of Directors shall have power to fill vacancies in the several offices and to appoint and at pleasure remove, such subordinate officers, agents or servants as the business or interest of the said society may in their opinion require.

Election of of-
ficers.

Sec. 5. It shall be the duty of the persons named in the first section of this act, or a majority of them, together with such other persons as they may associate with them for that purpose, within three months after the passage of this act, to hold a meeting or meetings in the city of Milwaukee, and to organize said society, under this act, by the election of officers and the adoption of suitable by-laws and regulations for their government.

Real estate
fund.

Sec. 6. The real estate, property and funds of the said society shall be devoted exclusively to the general purposes and objects specified in the first section of this act.

Sec. 7. This act shall take effect, from and after its passage.

Approved, April 2, 1853.

An Act to change the name of the town of Greenfield in Dane county.

Chap. 176. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The name of the town of Greenfield in Dane County, is hereby changed to Fitchburg, by which name it shall be hereafter known in law and otherwise.

Approved, April 2, 1853.

An Act to authorize the construction of a Dam across the LaCrosse River.

*The people of the State of Wisconsin, represented in Chap. 177.
Senate and Assembly, do enact as follows :*

SECTION 1. Monroe Palmer, his associates, successors, Authority to heirs and assigns, are hereby authorized to erect and maintain a dam, maintain a dam across the LaCrosse River, on the north east quarter of the north east quarter of section 34, and the south east quarter of the south east quarter of section 27, town 17, north of range six, west of the fourth principal meridian, in the county of LaCrosse, and to make use of the water of said river for hydraulic purposes; *Provided*, That the construction of said dam shall not in any way infringe upon the rights of other persons not herein named.

Sec. 2. The said dam shall not exceed eight (8) feet in height from the water mark, and shall be so constructed as to admit of the passage of all rafts or water crafts, and the said rafts or water crafts shall at any time be entitled to pass through the said dam free of all charges to the owner or owners of said rafts or water crafts. Dams, how constructed.

Sec. 3. The legislature may at any time alter or amend this act when it shall be considered proper to provide for the improvement of the said LaCrosse River.

Approved, April 2, 1853.

An Act to incorporate the Concordia Building company of Milwaukee.

*The people of the State of Wisconsin, represented in Chap. 178.
Senate and Assembly, do enact as follows :*

SECTION 1. Charles Quentin, Jacob Mahler, Jacob Bestyr, Mark Gerlach, Henry Neidken, Herman Schwar- Commission- ting, Charles Wendf, H. G. Post, William Finkler, Guido Pfister, J. B. Engelman, Claus Heide, Edward Hunderly, William Masser, be and they are here appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Concordia Building Company of Milwaukee, hereby incorporated, and they may cause books to be opened at such time and place as a majority shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving five days notice of the time and place of taking such subscription, in one or more daily papers published in the city of Milwaukee.

Sec. 2. The capital stock of said company shall be twenty thousand dollars, in shares of twenty dollars each;

Capital stock. and as soon as two hundred shares or more of stock shall be subscribed, and five per centum paid thereon, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns shall be and they are hereby declared and created a body corporate and politic, by the name and style of "Concordia Building Company," with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended in all courts and places, they shall be capable of purchasing, holding, selling, leasing and conveying estate, personal, real or mixed, so far as may be necessary and proper for the construction, management and usefulness of a proper building, containing rooms for a school, musical and other societies and public meetings, in the city of Milwaukee; they may have a common seal, which they may alter and renew at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation.

Affairs managed by directors.

Sec. 3. The affairs of said company shall be managed by a Board of five Directors, who shall be chosen by ballot, each share of stock being entitled to one vote, the votes to be delivered in person or by proxy duly authorized; which directors shall appoint one of their number President, and for the purpose of electing the first directors, the said commissioners, or a majority of them, after the stock shall have been subscribed, as provided in the second section of this act, shall give ten days notice in one or more newspapers published in the city of Milwaukee, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing directors, and annually thereafter, on the second Monday of May, the stockholders shall meet for electing directors as aforesaid; *Provided*, That none but stockholders shall be elected directors.

Majority to constitute a quorum.

Sec. 4. A majority of said Board of directors shall constitute a quorum for the transaction of business. They shall have power to make and establish such by-laws, rules, orders and regulations as may be necessary for the management of the affairs of said company, to make such covenants, contracts and agreements with any person or persons, co-partnership or body politic whatsoever, as they may deem expedient and for the interest of the company.

Sec. 5. If from any cause an election for directors shall not be held at the time specified therefor, the same may be held at any other time, upon ten days notice being published as aforesaid, and until such election the directors of the preceding year shall continue to act; this charter shall not be voided by reason of any irregularity or want of such election, and in case of vacancy from the death or resignation of any director, his place may be filled by the Board of directors.

Sec. 6. The several stockholders in the said company shall be respectively individually liable for all the debts of said corporation to an amount equal to the stock owned by them respectively; *Provided*, That no suit shall be maintained against any such stockholder on any such debt until an execution shall have been issued against said corporation therefor, and returned unsatisfied in whole or in part. Stockholders
liable.

Sec. 7. The said company are hereby authorized, in their corporate capacity, to borrow any sum or sums of money, from any person or persons, corporation or body politic of any kind, and make and execute in their corporate name, all necessary writings, notes, bonds or other papers, and make, execute and deliver such securities, in amount and kind as may be deemed expedient by said corporation, for all purposes necessary in carrying out the objects of said company, and the official acts of said company are declared binding in law and equity upon said corporation and upon all other parties to such contracts. May borrow
money.

Sec. 8. This act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State, shall be received as evidence thereof.

Approved, April 2, 1853.

An Act to authorize the laying out of a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 179.

SECTION 1. Joshua Ridgely, Byron Viets and Ambrose Spencer be and they are hereby appointed commissioners to lay out and establish a State Road from the village of Analaska in the county of LaCrosse, thence running up the valley on the north side of the LaCrosse river to or near the house of L. A. Viets, on section 32, town 17,

range 5, thence in a north easterly direction, on the west side of Burnham's creek, on the most practicable route to the Prairie Chien and Black river road, at or near the house of A. Spencer, section 33, in township 10, range 4, west; *Provided*, That no money be paid out of the state treasury to defray the expenses in laying out said road.

Approved, April 2, 1853.

An Act to provide for laying out a State Road therein described.

Chap. 180. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Jacob Myers, Andrew J. Tanner and Otis H. Capron, are hereby appointed commissioners to lay out and establish a State road from Plover in Portage county, via Mount Morris, to Berlin in Marquette county, on the most direct and practicable route.

Sec. 2. The said commissioners shall be allowed such pay for laying out and establishing said road, as the county Boards of Supervisors of the several counties through which the said road shall be established may direct; *Provided*, That no part of the expense of laying out said road shall be paid by the State.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

An Act for the relief of Ezra A. Parker.

Chap. 181. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Commissioners of School and University Lands are hereby authorized and required to issue unto Ezra A. Parker a duplicate certificate of lot number four of University lands, containing forty acres, situated in the north-east quarter of Section thirty-two, in township twenty north of range number seventeen east of the fourth principal meridian; at the rate of four dollars per acre, whenever the said Ezra A. Parker shall make application for the same: *Provided*, Such application shall be made on or before the first day of June next.

Sec. 2. Whenever application shall be made, as provided in the first section of this act, it shall be the duty of the said Commissioners to cancel the certificate of sale heretofore issued for said land, and credit the interest

already paid thereon as interest paid on said land at the price of four dollars per acre, dating from the time of the original purchase.

Sec. 3. Said Commissioners are also authorized, if in their opinion it would be just and equitable, to issue to any other purchaser of University lands in the north half of said section thirty-two, or the south half of section twenty-nine, in said town and range, a new certificate of sale, at the price per acre at which such land stood appraised where such person settled and commenced any valuable improvement thereon; and the application and issuing of the certificate shall be subject to the provisions of the foregoing sections.

Sec. 4. This act shall take effect, and be in force from and after its passage.

Approved April 2, 1853.

An Act to provide for laying out a certain State road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows : Chap. 182.

SECTION 1. Phillip Dhein, Francis Everly, and Walter Denman are hereby appointed Commissioners to lay out and establish a State Road from the city of Milwaukee to the village of West Bend, in the county of Washington, by the way of the farm [of] Phillip Dhein in the town of Germantown, in said county.

Sec. 2. Said Commissioners may receive moneys and subscriptions for labor, and it shall be their duty to apply the same in the improvement of said road: *Provided*, Said Commissioners shall receive no compensation from the State for such services.

Sec. 3. This act shall take effect and be in force from and after its passage; and all acts in any wise conflicting with it are hereby repealed.

Approved, April 2, 1853.

An Act to incorporate the Oshkosh, Algoma and Ripon Plank Road Company.

Chap. 183.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. E. L. Buttrick, George F. Wright, James Bashford, Henry C. Jewell, Philetus Sawyer, Coles Bashford, Clark Miles, John F. Mills, E. B. Fisk, E. P. Mapes,

**Commission-
ers.**

and W. S. Brockway be and they are hereby appointed commissioners, under the direction of a majority of whom subscription may be received to the capital stock of the Oshkosh, Algoma, and Ripon Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct for the purpose of receiving subscription to the capital stock of said company, first giving thirty days notice of the time and place of taking such subscription, by publishing the same in one or more newspapers printed in Winnebago county.

Capital stock.

Sec. 2. The capital stock of said company shall be thirty thousand dollars, in shares of ten dollars each, and as soon as three hundred shares of the capital stock shall be subscribed, and five per cent of the amount thereof actually paid in or secured to the company, the subscribers to said stock, with such other persons as shall thereafter associate with them for that purpose, their successors and assigns, shall be and they hereby are created and declared a body corporate and politic, by the name and style of the Oshkosh, Algoma and Ripon Plank Road Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining, and conveying estate, real, personal, or mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporate company may by law do.

**Directors how
elected.**

Sec. 3. The said commissioners, or a majority of them, after said three hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days notice, in one or more newspapers of Winnebago county, of the time and place of meeting of the stockholders for the purpose of electing seven directors, who shall hold their offices until their successors are elected; and annually thereafter upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, being published in one or more of the newspapers in the county aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors the said commissioners above named upon the subscription of three hundred shares of stock, and the organizing of said commissioners by the election by them of one of their number President, shall have all the powers

Proviso.

and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be completed as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors, or in the said board of Commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

Sec. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, in person or by proxies duly authorized, and in all elections and in all discussions of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections where the seven persons having the greatest number of votes cast for directors shall be declared duly elected.

Affairs managed by board of directors.

Sec. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number President, and they shall have power to appoint a Secretary and Treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for their respective trusts, and may remove said officers and revoke the powers of said agents at pleasure, they shall also have power to make all necessary and proper by-laws, rules, and regulations for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws, not inconsistent with the Constitution and laws of the State, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company and all persons interested therein as if the same formed a part of this act of incorporation.

Majority to constitute quorum.

Election of officers.

Rules and laws.

Sec. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon for failure to pay such instalments as may be called for, and also to accept in behalf of the company a relinquishment of any stock subscribed, and executed to the person or persons relinquishing the same, valid releases, discharging them from all liabilities thereafter for or on account of the acts of said company or its officers.

Powers of directors in relation to stock.

Sec. 7. The said directors shall have power to regu-

Further powers.

late tolls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution and management of the work and the convenience and interests of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she, or they shall subscribe for, stating in the body of such certificate or certificates the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the President and countersigned by the Secretary of the said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

Location of road.

Sec. 8. The said company shall have power to locate and construct a single or double road from the village of Oshkosh, by the way of the village of Algoma, in the county of Winnebago, to the village of Ripon, in Fond du Lac county, and by the most eligible and practicable route, as the directors shall decide. The track of said road shall be constructed of plank, stone, gravel, charcoal, or either, in whole or in part, each at the option of the directors, so that the same when completed shall constitute a firm, regular, and proper surface for the passage of wagons and carriages.

May enter upon land.

Sec. 9. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said Plank Road, doing thereto no unnecessary damage, and when said route shall be determined by said company it shall be lawful for them, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of and use such lands, not exceeding four rods in width along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of such road as may endanger said road by falling or otherwise.

Sec. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road,

for the purposes thereof, or for the compensation to be paid therefor, or when by absence or legal incapacity of the owner or owners no such agreement or purchase can be made therein, and in any such case it shall be lawful for any Justice of the Peace to issue a warrant, directed to the Sheriff or any Constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said Justice at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant, and if at the time and place named any of the persons so summoned do not attend, the said Sheriff or Constable shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agents or attorneys or either of them, and if they are not present in person or by attorney, the Sheriff or Constable shall, for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said Justice of the Peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantage the same will be to the owner or owners, according to the best of his skill and judgment, whereupon the said Justice and jurors shall proceed to view the said land or material so required and to hear the evidence of the respective parties, which the said Justice shall reduce to writing, which shall be signed by the said Justice of the Peace, and the verdict of the jurors thereon shall be signed by the jurors or a majority of them, and by the Justice of the Peace, and the said Justice of the Peace shall within five days thereafter transmit the same to the Clerk of the Circuit Court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of land in question and the value thereof as aforesaid, and such valuation, when paid, together with costs of such inquisition, or tendered to the owner or owners, or deposited with the said Court, shall entitle the said company to the estate and interest in the same, thus valued, as if it had been conveyed by the owner

Compensation
for land, how
fixed.

Provisions.

or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, That it shall not be lawful for any Justice or jury of inquest to proceed in such valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it shall be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age, or non compos mentis, or absent from the county in which such land is situated. Such service of notice may be made upon the guardian or trustee, under the same restrictions as in the case of owners; or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, That any party conceiving himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the Circuit Court of the county in which the property in question is situated as in ordinary cases of appeal.

May construct road along or across highways.

Sec. 11. The directors shall have power in their discretion to construct said plank road along or upon any road or highway now or hereafter to be laid out, opened, and established by the proper authorities, and of such width, and in such manner as the said directors shall determine: *Provided*, They procure by agreement with the supervisors of any town the right to take and use any part of any public highway in such town, for the construction of such proposed road, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of the town, and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town, and they may erect toll-gates, and exact toll from persons traveling on their road when ever two consecutive miles are finished or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh, carriage, drawn by two animals, and if drawn by more than two animals, one cent per mile, for every additional animal, for every sled, sleigh or carriage drawn by one animal, one cent per mile,

and for every horse and rider or led animal, one cent per mile, for one score of sheep or swine one cent per mile, Rates of toll. Provide. and for every score of neat cattle four cents per mile: *Provided*, Persons going to and from military parade at which they are required by law to attend, and persons going to or returning from funerals shall be exempt from toll. The toll gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate any animal or carriage subject to toll until the toll thereon is paid.

Sec. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security to the approval of said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid, and certificate of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money, and it shall be competent for the said stockholders paying their subscriptions to said stock in securities as aforesaid, to contract and pay to said company interest at the rate of twelve per centum per annum for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages, or notes for such stock, which shall be available for the use and benefit of said company and for all subsequent holders thereof, and be transferable by them or any of them in the same manner as if the same were made payable to individuals or to their order or assigns. Security for stock.

Sec. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road to be constructed by said company, or any part thereof, or any work, building, or fixture attached to, or in use upon the same, belonging to said company, such person or persons so offending shall each of them for every such offence be liable to a civil suit for the recovery of damages by said company, by an action of trespass in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court. Penalty for obstructing road.

Sec. 14. Any person who shall wilfully break down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having For breaking gate.

paid the legal toll, or to avoid the payment of the legal toll shall, with his team, carriage, or animal, turn out of said road or pass any gate thereon, or grounds adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages.

May increase
Capital stock.

Sec. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road, in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

Sec. 16. If said corporation should not within three years from the passage of this act, commence the construction of said plank road, and expend two thousand dollars or more thereon, then the rights, privileges, and powers of the said corporation under this act shall be null and void.

Sec. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State shall be received as evidence thereof.

Sec. 18. This act may be altered or amended by any future legislature of the State of Wisconsin.

Approved April 2, 1853.

An Act to incorporate the Western Wisconsin Mining Company.

Chap. 184. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. William Horun, Geo. H. Cox, William Johnson, and those that they may hereafter associate with themselves, and their successors, are hereby constituted a body corporate and politic, by the name and style of the "Western Wisconsin Mining Company," and by that name, may sue and be sued, plead and be impleaded, and answer and be answered unto, in all courts of law and equity, may have a common seal, and the same alter at pleasure, and may enjoy all the privileges incident to a corporation, for the purpose of mining, smelting or manufacturing lead or other metals, and the ores thereof, in the counties of Grant, Lafayette, and Iowa.

Corporators.

Sec. 2. Said corporation shall have power to purchase ^{Powers of} hold and convey real estate; *Provided*, That the cost of ^{company.} the real estate held by said company, at any one time, shall not exceed one hundred thousand dollars.

Sec. 3. The first meeting of said corporation may be called by the persons named in this act, or by a majority of them, at such time and place as they shall designate, and at such meetings, and at all other meetings duly notified, such corporation may make and alter such by-laws, rules and regulations for the management of the business of said corporation, as a majority may direct, not repugnant to the laws of this State, nor of the United States.

Sec. 4. Said corporation may divide their stock into as many shares, and provide for the sale and transfer thereof, in such manner as said corporation shall from time to time deem expedient.

Sec. 5. This act is hereby declared a public act, and the same shall be construed favorably in all courts and places whatever; and the same shall take effect, and be in force, from and after its passage.

Approved, April 2, 1853.

An Act to authorize certain towns to subscribe Stock in the Plymouth and Charleston Plank Road.

Chap. 185.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the Supervisors of any town through ^{Supervisors} which the Plymouth and Charleston Plank Road may be located, and of the towns at either end of said plank road, by and with the consent the a majority of the legal voters of said town, to be expressed as herein provided, be and they are hereby authorized and required to subscribe in the name and for the benefit of such town, to the capital stock of the Plymouth and Charleston Plank Road Company an amount not exceeding eight thousand dollars.

Sec. 2. That the Supervisors of said towns for the purpose of paying the stock authorized to be subscribed for by this act, are hereby authorized to borrow the necessary amount of money for which they shall issue the bonds or obligations of such towns, signed by the Supervisors of the same, in amounts not less than fifty dollars, which bonds or obligations shall be made negotiable, bearing interest, payable annually, at such place, and at such rate,

^{Authorized to} subscribe for stock.

not exceeding ten per cent. per annum, as may be agreed upon, and such bonds or obligations may be made redeemable at such time as may be deemed expedient by said Supervisors, or such bonds or obligations, or any part thereof, may be issued directly to said company in payment of said Stock, as said Supervisors and the officers of said company may agree.

May borrow
money and
issue bonds.

Sec. 3. That the said Supervisors of such towns, shall keep an accurate register of all bonds or obligations, issued under the provisions of this act, showing the dates, numbers and amounts thereof, to whom issued, when payable, and the rate of interest stipulated therein, and they shall also cause to be kept in the office of the town treasury of their several towns, such books and entries as will fully exhibit all liabilities, receipts, disbursements, and the precise state of indebtedness of such towns arising in any manner under this act.

Faith of town
pledged for
payment of
bonds.

Sec. 4. That the faith of any town subscribing for stock under this act, and the net profits or dividend upon the stock so subscribed by said town, shall stand pledged for the payment of the indebtedness and interest which may become due from said town under this act, and it is moreover made the duty of the Supervisors of such towns so subscribing under this act, to add, and levy such per centum of tax upon the assessment roll of all the taxable property in such town annully, in addition to the ordinary taxes of such town, to be collected as other town taxes, as shall be sufficient when added to the dividends or nett profits aforesaid, to pay the accruing interest, expenses, discounts, or any loans arising out of the sale of said bonds or obligations, or in any manner arising under this act, and likewise to provide a sinking fund of such amount as they may deem expedient, and the money so raised, when collected like other taxes, shall be applied to the purposes aforesaid and none other.

Votes in meet-
ings of stock-
holders.

Sec. 5. That the Supervisors of any town so subscribing by themselves or such agent or agents as they may appoint, shall have power to vote at all meetings of the Stockholders of said plank road company, in proportion to the stock owned by such town, and in all other respects to act in the business of said company as individual stockholders in the same are authorized by law to do, and the said supervisors are hereby authorized whenever they deem the same expedient to sell and transfer any or all stock owned by such town in said company, in order to pay off the indebtedness which may accrue under this act, and the pro-

eds of such sale shall be applied to the extinguishment of an equivalent amount of the indebtedness of the town, created under this act.

Sec. 6. That before any stock shall be subscribed by the Supervisors of any of the towns aforesaid, to the said plank road company, under the provisions of this act. The question shall be submitted to the qualified electors residing within the limits of such town, in the manner following, that is to say: On the written application to the Supervisors of any such town of twenty or more qualified electors of said town, which application shall specify the amount of stock they desire said Supervisors to subscribe to the capital stock of said company for the benefit of said town. It shall be the duty of the Supervisors of such town to give notice by posting up in five or more of the most public places in such town, at least ten days before the time specified in said notice for holding said election, a written or printed notice, setting forth that on a certain day and at a certain place therein mentioned, an election will be held in such town for the purpose of deciding whether the Supervisors of said town shall subscribe in the name and for the benefit of said town, to the capital stock of the Plymouth and Charleston plank road company, the amount specified in the application aforesaid, which amount shall also be specified in said notice, and on the day, and at the place specified in said notice, an election shall be had and vote taken by ballot and said election shall be held and conducted, canvassed and returned in all respects as provided for the holding and conducting of town meetings, and each voter shall endorse upon his ballot the words "for subscription," or "against subscription," and if it appears that a majority of the votes given are in favor of such subscription, the same shall be made in the manner provided in this act, but not otherwise.

Question submitted to a vote of the people.

Sec. 7. That the said Supervisors, or one of them, shall make or cause to be made an affidavit or affidavits of the posting up of the notices required in the foregoing section of this act, which affidavit or affidavits, together with the application in writing, also specified in the foregoing section, shall be by them deposited in the office of the town clerk of their respective towns, and recorded in his office, and the said affidavit or affidavits, and applications, or certified copies of the same, or a certified transcript of the record of the same, shall be taken and received in all courts.

Posting notices.

of this State as conclusive evidence to prove the facts set forth and contained in the same.

Two supervisors may act. Sec. 8. That any two of the Supervisors of the towns, aforesaid, may do or perform any act or thing which said Supervisors are by this act authorized or required to perform.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

Chap. 186.

An Act to provide for ascertaining and paying the indebtedness of the [late] town of Southport, and to legalize the acts of the officers of said town.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Board of auditors, duties of

SECTION 1. Peter D. Hugunin, Nathaniel B. Clapp and Robert P. Marr, are hereby constituted and appointed a Board of auditors, whose duty it shall be, prior to the fourth Tuesday of April next, to ascertain, certify and report the amount of the indebtedness of the late town of Southport, and for that purpose shall meet at the office of the clerk of the Board of County Supervisors, in the city of Kenosha, on the twelfth day of April next, at 10 o'clock A. M., and for the purpose of this investigation, shall have full and free access to, and for the time being, possession of all the books and papers pertaining to the business and accounts of the said town. If from any cause a vacancy of one should occur in the Board appointed by this Section, said vacancy shall be filled by the remaining two—if a vacancy of more than one, then the Boards of town Supervisors of Pleasant Prairie and Somers shall each appoint one—and these two, if necessary, to complete said Board of three, shall appoint a third. Said Board shall have power to appoint a Clerk.

Indebtedness how ascertained.

Sec. 2. The indebtedness of said town may be ascertained by an examination of the record of said town, or by the examination of persons and papers, or both; as the said Board shall determine.

Orders and demands to be paid.

Sec. 3. All outstanding orders of said town of Southport which have been issued by the proper officers of said town, and all accounts and demands audited or allowed by the Board mentioned in the first section of this act shall be deemed and certified by said Board as the indebtedness of said town of Southport, and the said Board are hereby authorized and required to audit and allow all just claims

and demands against the late town of Southport which may be presented for their allowance properly authenticated at their meeting, on the 12th day of April next; but no portion of the unpaid taxes of said town of Southport, for the non-payment of which lands in said town have been returned for the year 1852, shall be deemed or certified by said Board as a part of the indebtedness of said town of Southport, but said lands shall be sold by the county Treasurer at the same time and in the same manner as other returned lands are sold, and the proceeds of the sale thereof shall be held by the said county Treasurer, subject to the payment first of the orders issued by said town, and secondly to the payment of such bills and accounts as may be audited or allowed and so certified by the Board mentioned in the first section of this act.

Sec. 4. The whole amount of the indebtedness of said town of Southport, when ascertained by said Board, shall be certified, together with the items thereof, (when the same is practicable) by the said Board, and three copies of the same made by the clerk of the said Board, one of which copies shall be left with the county Treasurer, one with the town clerk of the town of Somers, and the other with the town clerk of the town of Pleasant Prairie, to be by the said officers respectively filed in their respective offices.

Indebtedness
to be certified,
and copy
served.

Sec. 5. The said Board shall for the purpose of ascertaining the amount of the indebtedness of said town of Southport, have full power and authority to compel the appearance of persons, and the production of all books, records and papers by the said Board, deemed necessary for the purpose aforesaid, and to administer oaths to witnesses.

May send for
persons and
papers.

Sec. 6. The amount of the indebtedness of the said town of Southport, when ascertained, certified and filed as aforesaid, less the amount of lands returned from said town of Southport for the year 1852, shall be by the Boards of Supervisors of the towns of Somers and Pleasant Prairie respectively duly apportioned according to the last assessment of said town of Southport, to that part of said town as was annexed to the said town of Somers and Pleasant Prairie respectively, by an order of the Board of county Supervisors of the county of Kenosha, bearing date February 26, 1853, and the proper officers of said towns of Somers and Pleasant Prairie are each hereby authorized and required, such apportioned indebtedness mutually to assess upon the real and personal property of the late

town of Southport, as by the order aforesaid is annexed to the said towns of Somers and Pleasant Prairie respectively in their several assessments for the year 1853, and the proper officers of said towns of Somers and Pleasant Prairie for the year 1853, are hereby authorized and required to assess in their respective districts all such lands as shall have been omitted and not assessed or improperly described, in the late town of Southport for the year 1852, and all delinquent school and road taxes for the year 1852, upon any lands therein, shall be rated for the year 1853, and collected by the proper officers of said towns of Somers and Pleasant Prairie, in the same manner as like taxes are collected by said towns upon lands heretofore included within the limits of said towns, and when collected the same shall be paid by the proper officer to the proper officer or officers of the district or districts entitled thereto.

Orders, &c., to
be received
in payment of
special taxes.

Sec. 7. The Treasurer of the town of Somers and Pleasant Prairie are hereby authorized and required to receive in payment of the special tax to be levied by their towns respectively, for the purpose of liquidating the indebtedness of the late town of Southport, any of the orders of said town of Southport and the amounts allowed and certified by the Board as provided in section 3 and 4 of this act, and so much of said tax as shall be collected in money shall be held by said treasurers respectively, subject to the payment on demand of the orders of said town of Southport, and the amounts allowed and certified as by said sections 3 and 4 provided.

Sec. 8. All acts and proceedings of the town authorities of the late town of Southport, in raising, levying and collecting the taxes for the year 1852, in said town, are hereby declared legal and valid.

Approved, April 2, 1853.

Chap. 187.

An Act to incorporate the Fond du Lac University.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Corporators.

SECTION 1. That John Bannister, J. M. Gillett, Lyman H. Phillips, J. L. Henry, Mason C. Darling, Royal Buck, Edward Beeson, Rev. Joshua Sweet, Thomas Boyd, N. P. Talmadge, John C. Truesdale, Geo. D. Ruggles, John B. Macy, Geo. D. Curtis, B. Pinkney, James Judd, Robert Flint, their associates and successors, and they, are hereby created a body corporate and politic, for educational

purposes, in perpetual succession, with the name and title of the Board Trustees of the Fond du Lac University, with full power to sue and be sued, plead and be implead, hold and convey property real and personal, have and use a common seal, and alter and renew the same at pleasure, and to adopt such by-laws not inconsistent with the constitution and laws of the United States and the State of Wisconsin, as they may deem necessary for the government and discipline of said University.

Sec. 2. The University shall be located at or near the city of Fond du Lac, and may be erected on a plan sufficiently extensive to afford instruction in literature, sciences arts, as well as the theory and practice of elementary instruction, and in any or all the liberal professions, as in such manner and at such terms as the Board of Trustees may deem for the best interests of the institution.

Location and
erection.

Sec. 3. The Board of Trustees shall consist of not less than twelve members, who shall have power to increase the number to thirty, and to fill any and all vacancies which may occur by death, resignation or neglect of the duties of said office for more than one year. The members of the Board shall be divided into five classes, one of which shall go out of office every year, which class shall be determined by lot, at the organization of the Board, and afterwards, trustees shall be elected to serve five years. The first meeting of the Board of Trustees shall be held at such time and place as may be designated in a call, signed by a majority of the corporate members, of which due notice shall be given by publishing the same for two weeks previous thereto in some newspaper printed in said city, and afterwards on their own adjournment, and in such manner as may be prescribed by the by-laws of said Board, and any seven members of the same, when duly assembled, shall constitute a quorum for the transaction of business, and any less number may adjourn from time to time.

Board of trustees.

Sec. 4. The Board of Trustees shall have power to devise and execute measures for the establishment and prosperity of said University; to prescribe the course of study in the several departments; to appoint an executive committee, consisting of the president, secretary, treasurer and five directors, for the transaction of all ordinary business, under the by-laws and subject to the approval of the Board; to elect and inaugurate a Board of Instruction, consisting of a presiding officer, who shall be ex-officio a member of the Board of Trustees, and the requisite number of professors and tutors; and also to confer such degrees and to

Powers of
trustees.

grant such diplomas as are conferred and granted by other Universities.

Board to manage all property, &c. Sec. 5. All funds and property received by the Board of Trustees by gift or otherwise, shall be faithfully applied as in the judgment of said Board will be best calculated to advance the interests of said University, in purchasing grounds, erecting buildings, procuring library and apparatus, creating endowments for the support of professors, and in paying the salaries of agents, officers and teachers of the University. *Provided* always, That any donation or bequest made for particular purposes, in accordance with the design of the corporation, shall be applied according to the wishes of the donors.

Sec. 6. No political or religious opinions shall be required as qualifications for membership in the University or its officers, and no student shall be required to attend upon the services of any particular religious denomination.

Sec. 7. This act shall take effect and be enforced from and after its passage.

Approved, April 2, 1853.

An Act to lay out a State Road therein named.

Chap. 188.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That John Patrick, Theodore Lambert and James Pratt be and they are hereby appointed commissioners to lay out and establish a State Road from the village of Montello, in a North-Westerly direction to the Marsh House; *Provided*, That no part of the expense of laying out the said road shall be paid out of the State Treasury.

Sec. 2. This act shall take effect from and after its passage.

Approved, April 2, 1853.

An Act to amend an act entitled an act to amend an act providing for a special election of certain officers in the Counties of Washington and Ozaukee, and for transcribing records of Washington county.

Chap. 189.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one is so amended as to read the first Tuesday of May next, in stead of the first Monday.

Sec. 2. That the returns of election of county officers in and for the county of Washington, as provided in the acts of which this is amendatory, shall be made to and canvassed by Henry Weil of said county, who is hereby appointed for the special purpose of receiving and canvassing said returns, and giving certificates of election to those entitled. That the said Henry Weil, shall upon receiving said returns, within three days, canvass the same, as the clerk of the board of supervisors of any county, is now authorized by law to do, and make out and deliver to the persons entitled, certificates of election. And after a clerk of the board of supervisors of said county is duly elected and qualified, the said Henry Weil is hereby required to deliver to said clerk the said returns, and result of his canvass, to be kept and preserved by said clerk. And after the said election provided for in the said acts of which this is amendatory, the returns of election for county officers shall be, made to the said clerk of the board of supervisors of said county, as is now provided by law.

Henry Weil to
canvass elec-
tion returns
for Washing-
ing county.

Sec. 3. This act shall take effect from and after its passage.

Approved, April 2, 1853.

An Act to incorporate the Plymouth and Waupun Plank Road Company.

Chap. 190.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. H. N. Smith, R. H. Hotchkiss, Enas Eastman, George Barnard, James Cleavland, William D. Moore, Allen Castle, Samuel Rathbone, R. Wilson, John Whitney, Samuel Riely, Leander Mayhern, L. C. Rapelge, C. L. Gage, David Bissell, Freeman Fay, Edwin Hellyer, N. M. Donaldson, Seymour Wilcox, S. B. Dodge, Josiah Drummond, A. L. Allis and George W. Bly, be and are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Plymouth and Waupun plank road company hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions, by publishing the same in one or more newspapers printed in Fond du Lac or Sheboygan county.

Commission-
ers.

Capital stock. Sec. 2. The capital stock of said company shall be fifty thousand dollars in shares of ten dollars each and as soon as five hundred shares of the capital stock shall be subscribed, and five per cent of the amount thereof actually paid in, or secured to the said company, the subscribers to said stock, with such other persons as shall thereafter associate with them for that purpose, their successors and assigns, shall be, and they are hereby created and declared a body corporate and politic by the name and style of the Plymouth and Waupun plank road company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining and conveying estate, real, personal and mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

Directors how elected. Sec. 3. The said commissioners, or a majority of them, after said five hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days notice, in one or more of the newspapers of the said counties of Fond du Lac or Sheboygan of the time and place of the meeting of the stockholders for the purpose of electing seven directors, who shall hold their offices until their successors are elected; and annually thereafter, upon the anniversary of the first election, upon notice of the place of meeting being given by the directors therein being, being published in one or more of the newspapers in each of the counties aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors, *Provided*, That until the first election of directors, the said commissioners above named, upon the subscription of five hundred shares of stock, and the organizing of said commissioners by the election by them of one of their number president, shall have all the powers and perform all the duties of a board of directors for said company; and the corporate existence of said company shall be taken and held to have begun and be complete as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors or in the said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

Proviso.

Sec. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person or by their

proxies duly authorized, and in all elections and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote and the majority of the votes cast shall govern, except in elections, when the seven persons having the greatest number of votes cast for directors, shall be declared duly elected.

Affairs managed by a board of directors.

Sec. 5. A majority of the said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation and may demand adequate security for the performance of their respective trusts, and may remove said officers and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws, not inconsistent with the constitution and laws of the State, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company and all persons interested therein, as if the same formed a part of this act of incorporation.

Majority to constitute a quorum.

Sec. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon, for failure to pay such instalments as may be called for, and also to accept in behalf of the company a relinquishment of any stock subscribed and execute to the person or persons relinquishing the same valid releases, discharging them from all liabilities thereafter for or on account of the acts of said company or its officers.

Instalments.

Sec. 7. The said directors shall have power to regulate tolls and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution and management of the work, and the interests and convenience of the company may require, and may issue to each stockholder a certificate or certificates for the shares which he, she, or they shall subscribe for stating in the body of such certificate or certificates, the amount paid on such share at the time of is-

May regulate tolls.

suingsuch certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

Route and
kind of road.

Sec. 8. The said company shall have power to locate and construct a single or double track road from such point on the Sheboygan and Fond du Lac road in the town of Plymouth to such point in the town of Wapun as shall be determined upon by a vote of the stockholders holding a majority of the stock of said company, who shall be represented in person or by proxy at a special meeting called for the purpose of fixing the location or termination of said road. The track of said road shall be constructed of plank, stone, gravel or either in whole or in part, each at the option of the directors so that the same, when completed, shall constitute a firm, regular and proper surface for the wagons and carriages.

May enter
upon land.

Sec. 9. It shall and may be lawful for said company, their officers, engineers and agents to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width along the line of said road, subject, however to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner herein after directed; *Provided*, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and imbankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width and they may also cut down such trees, on each side of said road, as may endanger said road by falling or otherwise.

Compensation
for land how
fixed.

Sec. 10. When said company shall not agree with the owner or owners of any land, gravel, stone, or other material, required for the construction of said road, for the purpose thereof, or for the compensation to be paid therefor, or when by reason of absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then and in any such case it shall be lawful for any justice of the peace, to issue a warrant directed to the sheriff or any constable of the county in which the land,

gravel, stone or other material is situated not directly interested, requiring him to summon a jury of nine freeholders, of his county, not interested in said property, to meet the said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten from the date of said warrant, and if at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon so many as may be necessary, with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said company and the owner or owners of the property to be value, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall for him, her or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such the said justice of the peace, shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the the best of his skill and judgment, whereupon the said justice and jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said justice, and the verdict of the jurors thereon shall be signed by the jurors or a majority of them, and by the justice of the peace, and the said justice of the peace shall, within five days thereafter transmit the same to the clerk of the circuit court of the proper county, who shall file the same; such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question and the valued thereof as aforesaid, and such valuation when paid, together with the costs of such inquisition or tendered to the owner or owners thereof, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road; *Provided*, That it shall not be lawful for any justice or jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it

Proviso.

be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner appear that such owner or owners are under age, or non compos mentis, such service of notice may be made upon the guardian or trustees, under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit; *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof; *Provided*, That any party conceiving himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal.

May construct
road along or
across high-
ways.

Sec. 11. The directors shall have power in their discretion to construct said plank road, along or upon any road or highway now or hereafter to be laid out, opened and established by the proper authorities, and of such width and in such manner as the said directors shall determine; *Provided*, They procure by agreement with the supervisors of any town, the right to take and use any part of any public highway in such town for the construction of such proposed roads, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor, every such agreement with the supervisors shall be in writing and shall be filed in the town clerk's office of the town; and such compensation and damages, when paid the supervisors, shall be expended by them in improving the highways of such town, and they may erect toll gates, and exact toll from persons traveling on their road, whenever four consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, one cent per mile; and for every horse and rider or led animal, one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile; *Provided*, That persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll.—The toll gather at each gate, when erected on said road, in pursuance of this act, may detain and prevent from

passing such gate, any animal or carriage subject to toll until the toll thereon is paid.

Sec. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security to the approval of said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of stockholders shall be considered as paid, and certificates of stock shall be issued to said stockholders in the same manner as if he had paid in the full amount of his subscription in money, and it shall be competent for the said stockholders paying their subscription to said in stock securities as aforesaid, to contract and pay to said company interest at the rate of twelve per cent per annum; for a period not exceeding ten years, and to execute to said company by its corporate name, bonds, mortgages, or notes, for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof and be transferable by them or any of them, in the same manner as if the same were made payable to individuals or to their order as assigns.

May receive real or personal security in lieu of money.

Sec. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road to be constructed by the said company, or any part thereof, or any work, building or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending, shall each of them for every such offence, be liable to civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction at the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either at the discretion of the court.

Penalty for injuring or obstructing road.

Sec. 14. Any person who shall wilfully break down any gate on such road which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll shall with his team, carriage or animal, turn out of said road, or pass any gate thereon, or ground adjacent thereto and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also be liable for all damages done to the profits of said company in action of trespass.

Penalty for breaking down gates.

Sec. 15. The directors of said company at any annual or special meeting of the stockholders, may provide for

such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

Statement of
affairs.

Sec. 16. At each annual meeting of the stockholders for the purpose of choosing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year, and special meetings of the stockholders may be called by the directors, or by any number of stockholders holding one fourth in amount in capital stock of the company, by giving twenty days notice of the time and place of such meeting, in a newspaper published in either of the counties through which said road is run.

Sec. 17. This act is hereby declared to be a public act and copies thereof printed by authority of the State, shall be received as evidence thereof.

Approved, April 2, 1853.

An Act to authorize the first, third, and fifth Wards of the city of Milwaukee, or either of said Wards, to build a bridge across the Milwaukee river.

Chap. 191. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Empowered to
build a bridge. SECTION 1. The Street Commissioners of the first, third, and fifth wards of the city of Milwaukee, or the Street Commissioners of either of said wards, shall be and they are hereby authorized and empowered to build a bridge across the Milwaukee river, from Milwaukee street, in the third ward, to River street or some other suitable point in the fifth ward of said city.

To be free. Sec. 2. Said bridge shall be built by the first, third, and fifth wards aforesaid, or either of them, and when completed shall be and remain forever free, and no toll shall be required from any person or persons crossing the same.

Shall not en-
croach on
channel of
Milwaukee
river. Sec. 3. Said bridge shall be so built as not to encroach upon the channel of the Milwaukee river by any permanent obstruction, and shall have a convenient draw of sufficient width and capable of being so managed as to admit the passage of all boats, vessels, and water craft navigating, or which may hereafter navigate the Milwaukee river, without hindrance or unnecessary delay; and the Street Commissioners of said first, third, and fifth

wards, or either of said wards, shall cause said bridge to be attended so as to pass and repass all boats, vessels, and water craft at all times, free of charge and without unnecessary delay.

Sec. 4. The common council of the city of Milwaukee shall levy a tax on all the taxable property of said first, third, and fifth wards sufficient to construct said bridge: Tax to be levied.

Provided, That the tax so levied shall in no year exceed one half of one per cent on the taxable property of said wards, and all the laws and ordinances in force for the Proviso.

protection and maintenance of public bridges, and all laws and ordinances that may hereafter be enacted for their protection and maintenance shall be applicable to said bridge; but no tax shall be levied unless a majority of the legal voters of said first, third, and fifth wards of said city voting on the question shall first have voted in favor of such tax, at an election to be held at such time as the aldermen or a majority of them of said wards shall determine. At such election those voting in favor of levying a tax for building said bridge shall vote a ballot containing the words "For the Bridge tax," and those voting against shall vote a ballot containing the words "Against the Bridge tax." One week's previous notice of the time and place of holding such election shall be given by the aldermen of the first, third, and fifth wards, in three of the newspapers published in said city, and said election shall be conducted and the returns made and canvassed in the same manner as other city elections: *Provided*, That no ward mentioned in this act shall be liable to be taxed for the purpose mentioned in this act, unless the majority of votes cast therein shall be in favor of such tax, nor shall said bridge be used as a railroad bridge unless authorized by law. Question to be submitted to the people.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1853.

An Act to change the name of George W. Stuart.

The people of the State of Wisconsin, represented in Chap. 192.
Senate and Assembly, do enact as follows:

SECTION 1. The name of George W. Stuart is hereby changed to George W. S. Anson, by which name he shall be hereafter known and called.

Approved April 2, 1853.

Chap. 193.

An act to vacate Elm street, in Johnson's addition to the village of Grafton.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That Elm street, in Johnson's addition to the village of Grafton, Washington county, be, and the same is hereby vacated.

Sec. 2. This act shall take effect from and after its passage.

Approved, April 2, 1853.

Chap. 194.

An Act to provide for a settlement of the debts of the town of Watertown, with the city of Watertown, and for the sale or transfer of the corporate property thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Commissioners.

SECTION 1. The Supervisors of the town of Watertown, and the Supervisors of the first, second, third and fourth wards, in the city of Watertown, together with such other person as the said supervisors of the said wards shall select for that purpose, are hereby appointed and constituted a board of commissioners, with full powers to ascertain and determine what property, real or personal, and the value thereof, that is owned in common by the town and city of Watertown, to sell transfer and convey the same in such manner as the said commissioners may deem proper for the best interests of the town and city of Watertown, and to provide for the payment of the debts that may be owing and due by said Town of Watertown, (including that part of the city of Watertown lying within the county of Jefferson) prior to, and up to the fourth day of April, 1853.

On sale and transfer of property.

Sec. 2. On the sale and transfer of said property, and on the settlement of the debts named in the first section of this act, the commissioners shall, within ten days thereafter, make out a written statement of the same, signed by said commissioners, and cause a copy of the same to be filed in the office of the Town Clerk of the Town of Watertown, and in the office of the Clerk of the city of Watertown, and when so filed, said settlement shall be deemed final, and shall be obligatory and binding on the parties thereto.

Sec. 3. This act shall take effect on the fifth day of April next, and remain in force until the objects for which it was intended, shall have been accomplished, and no longer.

Approved, April 2, 1853.

An Act to incorporate the Albion Academy and Teachers' Seminary.

Chap. 195.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Adin Burdick, Ezra Goodrich, Harlo M. Coon, Zurial Campbell, J. M. Todd, O. P. Hull, D. E. Lewis, Varnum Hull, Morris Crandall, Justus H. Potter, and their associates, together with such persons as may hereafter be associated with them, be and are hereby created a body corporate and politic, with perpetual succession, to be styled by the name and title of Albion Academy and Teachers' Seminary, by which name they and their successors shall be ever known, and shall have power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended, in all courts of law and equity; said corporation shall have common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy property real and personal, and to sell and convey the same, rent or otherwise lawfully dispose of at pleasure.

Sec. 2. The stock of said company shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as shall be directed by the by-laws of said corporation.

Sec. 3. Any three of the above named persons shall have power to call a meeting of said association by giving ten days notice thereof by posting up notices in at least three public places in the town of Albion, where said corporation is herchy located.

Sec. 4. At the first legally notified meeting the stockholders shall have power to elect by ballot nine Trustees, three of whom shall be elected for one year, three for two years, and three for three years, and after the first election three Trustees may be elected annually: *Provided always*, That all Trustees shall hold their office until others are elected in their place.

Sec. 5. At all elections and meetings of the company, each stockholder shall be entitled to one vote for each share of stock owned by him.

Powers of
trustees.

Sec. 6. The Trustees shall have power, first : To elect from their number a President, Secretary, and Treasurer, also to elect all other officers of the corporation. Second, To call special meetings of the stockholders to fill vacancies in the Board of Trustees. Third, To sell, lease, mortgage, or otherwise dispose of any property of said corporation in such manner as shall be directed by the stockholders, also to erect and keep in repair all necessary buildings for the use of said corporation. Fourth, To employ suitable teachers and prescribe and direct the course of study [and] discipline to be observed in said academy. Fifth, To prescribe the duties and fix the salaries of all the officers of said corporation, and remove or suspend them from office for incapacity, immoral conduct or misbehavior in office, and to appoint others in their places. Sixth, To make all rules, regulations, and by-laws necessary and proper to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this State.

Religious test. Sec. 7. No religious test or qualification shall be required of any Trustee or officer of said corporation, nor of any student of said institution.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved April 2, 1853.

Chap. 196.

An Act to Incorporate the Kenosha Car and Locomotive manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Constituted a
body politic.

SECTION. 1. That all such persons as shall become Stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body corporate and politic, by the name and style of the Kenosha Car and Locomotive Manufacturing Company ; and by that shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, may have a common seal, and alter the same at pleasure, and by the same name shall be capable of purchasing holding and conveying any estate, real or personal property, for the use and benefit of said corporation.

Sec. 2. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed to be personal, and may be transferred in such manner as the by-laws of the company direct.

Capital stock.

Sec. 3. Said corporation shall have power to manufacture cars, locomotive engines, for railroads, and such other engines, machinery, iron, brass and copper implements and wares, as they may deem proper, and to sell and dispose of the same at pleasure; may erect buildings, and machinery for such manufacturing purposes, to be moved by steam or other power, on any lands in the city of Kenosha which are now or may hereafter be owned by said company, in their corporate capacity and name; make and execute to any person or persons or body corporate or politic, any and all writings, notes, bonds, mortgages, on real or personal property belonging to said company in the due prosecution of their business, or as security for the loan of money borrowed by or due from said company to any person or persons, or body corporate, all of which said company is authorized to do, any law of this State to the contrary notwithstanding, but this section shall not be so construed as to confer banking powers upon said company.

Powers of company.

Sec. 4. The property and affairs of said company shall be managed and conducted by a Board of not less than three, nor more than nine directors, who shall be elected annually, and who shall respectively be stockholders in said corporation, and who shall be elected as aforesaid by the stockholders at such time and place as shall be directed by the by-laws of the corporation; each share of stock being entitlen to vote, and may be cast by the holder thereof, or by proxy duly authorized; all such elections shall be by ballot, and the persons receiving the majority of votes cast shall be directors, and when any vacancy shall happen from any cause it shall be filled for the remainder of the year in such manner as shall be provided for by the by-laws of the said corporation, the number of directors, and how many shall constitute a quorum for the transaction of business, shall be determined by said laws.

Directors how elected.

Sec. 5. The said directors shall annually after their election, elect one of their number president, whose duty it shall be to preside at the meetings of the Board, and in case of his absence at any meeting, the directors present may elect a president pro tem. The directors shall have power to make and prescribe such by-laws, rules and re-

Election of officers.

Powers and
duties of offi-
cers.

gulations, respecting the management of the property, concerns, business and stock of said corporation, as they may deem expedient and proper, all meetings for the transaction of business for the corporation shall be held at their office, which shall be located in the city of Milwaukee, and the manner and times of calling meetings shall be prescribed in the by-laws of said company; the directors shall have power to appoint a Treasurer and Secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure; and fix the compensation, and define the duties of all officers; they shall have power to decide the time, and manner and proportions in which the stockholders shall pay the money due (or an equivalent therefor) on their respective shares, and to make such rules respecting the forfeiture of stock and shares as they may deem advisable; they shall also have power to appoint a time certain each year for the election of directors; but each election shall always be held at the office of said company upon due notice to the stockholders of not less than thirty days before such election; *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any time upon a like notice being given to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

When books
for stock shall
be opened.

Sec. 6. Books for subscriptions to the capital stock of said company shall be opened at such places in the city of Kenosha, and at such times as may be agreed upon by those so herein associating, and a majority of whom may keep said books open from day to day, until at least fifty thousand dollars of said stock be subscribed for, when the said subscribers shall proceed to elect a Board of Directors as herein provided for, and such directors when so elected, shall at their first meeting determine the amount of capital of said corporation, which shall in no case exceed one hundred and fifty thousand dollars, and if such capital shall be fixed at any sum less than the last named amount, the same may at any time thereafter be increased by a two third vote of the said directors at a regular meeting thereof, to any amount not in whole, however, exceeding the said sum of one hundred and fifty thousand dollars.

Sec. 7. Every stockholder of said corporation shall be individually liable for all debts of said corporation to the amount of stock held by him or her in said corporation,

but he or she shall not be liable unless suit be commenced against such stockholder for such debt within three years from the time he has ceased to be a stockholder nor unless an execution issued against said corporation for the collection.

Approved, April 2, 1853.

An Act to organize a town therein named.

Chap. 197.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That township number seventeen, north of range number nine, east, in Marquette county, be, and the same is hereby set apart and organized as a separate town, under and by the name of Newton, and the first town meeting in said town shall be held at the house of Isaac Nightengale.

Sec. 2. This act shall take effect immediately.

Approved, April 2, 1853.

An Act to incorporate the German Mutual Assistance Society of Widows and Orphans in the city of Milwaukee.

Chap. 198.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Charles F. Bode, August C. Wilmans, Henry G. Post, Charles E. Blick, Henry Berliner, George Bremer, Rudolph Wendte, Christian Dick, August Flerzher, Deitrich Upham, Theodore Wettstein, Charles E. Wendt, Moritz Schoeffler, Charles Gysfel, Julius Moracirtz, Herman Schwarting, Arnold Grebe, William Nasser, August Hans, Charles Kasten, Frederic Mansfield, Ferdinand Kuehn and Edward Hoffman, and such other persons as now are, or may hereafter become members of the German Mutual Assistance Society for widows and orphans, formed in the city of Milwaukee, on the second day of March, one thousand eight hundred and fifty three, are hereby constituted a body corporate by the name of "The German Mutual Assistance Society, for widows and orphans in the city of Milwaukee."

Sec. 2. The objects of the said society are benevolent and to afford relief to the widows and orphans of its members, in such manner as may be by its by-laws, rules and regulations provided.

Sec. 3. The corporation shall have power to make

Powers of
company.

by-laws, rules and regulations, for the admission of its members, and their government, the election of its officers, and their duties and government, the expelling any of its member for not obeying its laws, and for the safe keeping and protection of its property and funds. Such by-laws shall, however, provide for the annual election of one third of the directors, to be chosen by a plurality of the members present, at the time fixed by such by-laws, for that purpose.

may hold real
estate.

Sec. 4. The said corporation may purchase and hold real and personal estate, to an amount not exceeding in the whole, twenty thousand dollars.

Sec. 5. The said corporation shall possess the general powers, and be subject to the general restrictions and liabilities prescribed by the Revised Statutes of the State of Wisconsin.

Approved, April 2, 1853.

An Act to incorporate the Racine Caloric Mills.

Chap. 199. *The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Constituted a
body politic.

SECTION. 1. That all persons as shall become stockholders to the capital stock hereinafter named, their successors and assigns, shall be and are hereby constituted a body corporate and politic, by the name and style of the "Racine Caloric Mills," and by that name shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; may have a common seal, and alter the same at pleasure, and by the same name shall be capable of purchasing, holding and conveying any estate, real or personal property for the use and benefit of said corporation.

Capital stock.

Sec. 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed to be personal property, and may be transferred in such manner as the by-laws of said corporation direct.

Powers of
company.

Sec. 3. Said corporation shall have power to erect buildings and machinery for manufacturing purposes, to be moved by Caloric, Steam or other power, on any lands in the city or county of Racine, which may be owned by

said corporation; may also have power to manufacture oil, paper and other articles; may also carry on the business of milling. Said corporation may in its corporate capacity and name, make and execute to any person or persons, or body corporate or politic, any and all writings, notes, bond mortgages, on real or personal estate belonging to said corporation in the due prosecution of its business, or as security to the loan of money borrowed by or due from said corporation to any person or persons, or body corporate, all of which said corporation is authorized to do, any law of this state to the contrary notwithstanding, but this section shall not be so construed as to confer banking powers upon said corporation.

Sec. 4. The property and affairs of said corporation shall be managed and conducted by a Board of not less than seven nor more than nine Directors, who shall be elected annually, and who shall respectively be stockholders in said corporation, and who shall be elected as aforesaid by the stockholders at such time and place as shall be directed by the by-laws of the corporation; each share of stock being entitled to one vote, and may be cast by the holder thereof, or by proxy duly authorized; all such elections be by ballot, and the person receiving the plurality of the votes cast, shall be directors, and when any vacancy shall happen from any cause it may be filled for the remainder of the year in such manner as shall be provided for by the by-laws of the said corporation; the number of directors and how many shall constitute a quorum for the transaction of business, shall be determined by said by-laws.

Affairs managed by board of directors.

Sec. 5. The said directors shall annually after their election elect one of their number President, whose duty it shall be to preside at the meetings of the Board, and in case of his absence at any meeting the directors present may elect a President pro tem. The directors shall have power to make and prescribe such by-laws, rules and regulations respecting the management of the property, concerns, business and stock of said corporation as they may think expedient and proper; not inconsistent with the laws of this state. All meetings for the transaction of business for the corporation, shall be held at its office, which shall be located in the city of Racine, and the manner and times of calling meetings shall be prescribed in the by-laws of said corporation; the directors shall have power to appoint a Secretary and Treasurer, and such other officers as may be required by the business of said corpo-

Officers, how elected and duties of.

ration, and may remove the same at pleasure; and fix the compensation and define the duties of all officers; they shall have power to decide the time, manner and proportions in which the stockholders shall pay the money due (or an equivalent therefor) on their respective shares, but thirty days notice shall be given on each call for installments; and to make such rules respecting the forfeiture of stock and shares as they may deem advisable; they shall also have power to appoint a certain time in each year for the election of directors, but such election of directors shall always be held at the office of the company; *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any time upon a like notice being given to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

Books, when
and by whom
opened.

Sec. 6. Books for subscription to the capital stock of said corporation may be opened at the office of W. T. Richmond, in the city of Racine, on the second Monday in April next, under the direction of W. T. Richmond, W. H. Lathrop, A. P. Dickey, S. C. Tuckerman, Wm. K. May, W. H. Waterman, Orville W. Barnes, A. P. Dutton, E. M. Russell, James C. Bowers, W. W. Vaughan, J. H. Parmeetes, Lucas Bradley, Wilson Pendleton and Stephen N. Ives, or a majority of the above named persons, which books shall be kept open from day to day until at least ten thousand dollars of said stock be subscribed for, when said subscribers may proceed to elect a Board of Directors as herein provided for, and such directors, when so elected, shall at their first meeting determine the amount of the capital of said corporation, which shall in no case exceed fifty thousand dollars, and if such capital shall be fixed at a less sum than the last named amount, the same may at any time thereafter be increased by a two-third vote of the directors at a regular meeting thereof, to any amount not in whole however to exceed fifty thousand dollars.

Stockholders
liable.

Sec. 7. Each stockholder in said company shall be individually liable for all the debts due by said corporation to an amount equal to the amount of stock owned by him; *Provided*, That no suit shall be maintained against any such stockholder for any such debt until a judgment shall be first rendered therefor against the corporation and an execution issued thereon against the corporation and returned unsatisfied in whole or in part.

Sec. 8. This act shall take effect from and after its passage.

Approved, April 2, 1853.

An Act to authorize the Register of Deeds of Waupaca county to transcribe a part of the Records of Brown county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows : Chap. 200.

SECTION 1. The Register of Deeds of Waupaca county is hereby authorized and empowered to transcribe so much and such part of the Records now remaining in the office of Register of Deeds of the county of Brown as relate to the lands and real estate, situate, lying and being in the county of Waupaca, and shall receive such compensation therefor, as shall be fixed by the Board of Supervisors of Waupaca county. Empowered to transcribe records.

Sec. 2. The said records when so transcribed shall be deposited in the office of Register of deeds of Waupaca county, and shall have the same force and effect in all courts and places, as if the same had been originally recorded in the office of Register of Deeds of Waupaca county. Where records to be deposited.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

An Act for the relief of St. Croix county.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows : Chap. 201.

SECTION 1. The Secretary of State is hereby authorized and empowered to certify to the amount of one hundred and fifty dollars of St. Croix county delinquent tax as canceled by this act, and the State Treasurer is hereby required to credit the amounty so certified to the county of St. Croix.

Approved, April 2, 1853.

An Act to incorporate the Wisconsin Lumber Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows : Chap. 202.

SECTION 1. James Ludington, James Kneeland, Wm. McNaughton, William A. Barstow, and John T. Perkins,

**Constituted a
body politic.**

together with all such other persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body corporate and politic by the name and style of the Wisconsin Lumber Manufacturing Company, and by that name shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, may have a common seal and alter the same at pleasure, and by the same name shall be capable of purchasing, holding, and conveying any estate real or personal for the use and benefit of said corporation.

Capital stock.

Sec. 2. The capital stock of said company shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and may be transferred in such manner as the by-laws of the company direct.

**Powers of
company.**

Sec. 3. Said corporation shall have power to manufacture or purchase lumber, shingle, lath, and the necessary machinery for the manufacture and use of the same, also the right to purchase, sell, and use any patent right to be used in or about the manufacture of any of the articles herein mentioned or referred to, as they may deem proper, and to sell and dispose of the same at pleasure, may erect buildings and machinery for such manufacturing purposes, to be moved by steam or other power, on any lands which are now or may hereafter be owned by said company, may in their corporate capacity and name make and execute to any person or persons, or body corporate or politic any and all writings, notes, bonds, mortgages, on real or personal property belonging to said company in the due prosecution of their business, or as security for the loan of money borrowed by or due from said company to any person or persons or body corporate, all of which said company is authorized to do, any law of this State to the contrary notwithstanding.

**Directors, how
elected, and
their duties.**

Sec. 4. The property and affairs of said company shall be managed and conducted by a board of five directors, who shall be elected annually and shall respectively be stockholders in said corporation, and who shall be elected as aforesaid by the stockholders at such time and place as shall be directed by the by-laws of the corporation, each share of stock being entitled to one vote and may be

cast by the holder thereof or by proxy duly authorized; all such elections shall be by ballot, and the persons receiving the highest number of votes cast shall be directors, and when any vacancy shall happen from any cause it shall be filled for the remainder of the year in such manner as shall be provided for by the by-laws of said corporation, a majority of whom shall constitute a quorum for the transaction of business.

Sec. 5. The said directors shall, after their election, **Officers, how elected.** elect one of their number President and one Vice President. It shall be the duty of the President to preside at all meetings of the stockholders, and of the board, when present, and in case of his absence the Vice President shall discharge the duties of President, and in case of the absence of President and Vice President the directors may elect a President pro tem. **Their duties.** The directors shall have power to make and prescribe such by-laws, rules, and regulations respecting the management of the property, concerns, business and stock of said corporation as they may deem expedient and proper. All meetings for the transaction of business for the corporation shall be held at their office, which shall be at such place as said directors may designate, and the manner and times of calling meetings shall be prescribed in the by-laws of said company. The directors shall have power to appoint a Treasurer and Secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure, and fix the compensation and define the duties of all officers; they shall have power to decide the time, manner, and proportions in which the stockholders shall pay the money due (or an equivalent therefor,) on their respective shares, and to make such rules respecting the purchase and sale of property, personal or real, and the forfeiture of stock and shares as they may deem advisable. They shall have power to appoint a time certain in each year for the election of directors, but such election shall always be held at the office of said company, upon due notice to the stockholders of not less than thirty days before such election, by publishing the same in a newspaper published in the city of Milwaukee: *Provided*, That if **Provided.** for any cause such election shall not be held at the time appointed, the same may be held at any other time, upon a like notice being given to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

Sec. 6. Books for subscription to the capital stock of

Books for
stock when
and how
doaned.

said company shall be opened at the office of Arthur McArthur, in the city of Milwaukee, on the second Monday of April, 1853, at two o'clock P. M., under the inspection of a majority of the persons named in the first section of this act; may keep said books open from day to day until at least ten thousand dollars of said stock shall be subscribed for, and the said subscribers shall then proceed to elect a board of directors as herein provided for, and such directors, when so elected, shall at their first or some subsequent meeting determine the amount of capital of said corporation, which shall in no case exceed two hundred and fifty thousand dollars, and if such capital shall be fixed at any sum less than the last named amount the same may at any time thereafter be increased, by a two-third vote of the said directors, at a regular meeting thereof, to any amount not in whole however exceeding the said sum of two hundred and fifty thousand dollars.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 2, 1853.

Chap. 203.

An Act to authorize the laying out a State Road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Henry W. Kingsbury, Cushing Douglass, and James Pratt be and they are hereby appointed commissioners to lay out and establish a State Road from Montello in Marquette county, via Quincy in Adams county, to Prairie La Crosse; and the said commissioners shall be entitled to receive pay for laying the same of the counties through which the same passes, at the rate of two dollars per day, for the time actually employed by them in the respective counties: And Provided, That no part of the expense shall be paid out of the State treasury.

Sec. 2. This act shall take effect from and after its passage.

Approved April 2, 1853.

Chap. 204.

An Act to legalize certain acts of the town Superintendent of common schools of the town of Spring Vale in Columbia county.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The acts of the said town superintendent of common schools in the town of Spring Vale in Columbia

county, in the distribution of school monies to school district, number three of said town, in the spring of the year 1852, are hereby declared to be legal and binding.

Sec. 2. This act shall take effect, from and after its passage.

Approved, April 2, 1853.

An Act to declare Pine River and its tributaries a navigable stream.

Chap. 205.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That Pine river and its tributaries, in the county of Richland, be and the same are hereby declared navigable streams and it shall be the duty of the owner or owners of mill dams already constructed, or that may hereafter be constructed on said river, to cause good and sufficient locks and slides to be built in said dams, for the free passage, without any unnecessary detention of all rafts, water crafts, timber and sawlogs. Declared a navigable stream.

Sec. 2. The supervisors of the several towns through which said river or its tributaries run, shall have authority to construct or authorize the construction of such bridges across said streams as the convenience of the public require; *Provided*, That no bridge shall be constructed across said stream which shall in any way obstruct the navigation thereof. May construct bridges.

Sec. 3. This act shall take effect from and after its publication

Approved, April 2, 1853.

An Act to incorporate the North American Mining and Manufacturing company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows : Chap. 206.

SECTION 1. Ben C. Eastman, Charlse Dunn, John M. Chandler, Henry D. Yorke, David McKee and Joel C. Squires, and their associates, shall be, and are hereby constituted, and made a body politic and corporate by the name and style of the North American Mining and Manufacturing company, and by that name shall be capable in law of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever in all manner of actions, suits, complaints matters and causes. Incorporators.

whatsoever;—may have a common seal and alter the same at pleasure, and by said name shall be capable of purchasing and holding, and conveying any estate or property real or personal for the use and benefit of said corporation.

Capital stock.

Sec. 2. The capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of two hundred dollars each, and shall be deemed to be personal property, and may be transferred in such manner as the by-laws of the company may direct:

Privileges of company.

Sec. 3. Said corporation shall enjoy all the privileges incident to a corporation for the purpose of mining, smelting, or manufacturing, lead, copper, zinc, iron or other metals, and the ores thereof, and to sell and dispose of the same at pleasure, and for these purposes may erect buildings or machinery to be moved by steam or other power or construct and operate levels or drains on any lands in this State which are now, or may hereafter be owned by them, or upon which they may acquire the right to erect and maintain the same, and said corporation may in their corporate capacity and name make and execute to any person or persons or body corporate or politic, any writings, notes, bonds, mortgages on real or personal property belonging to said company, in the prosecution of their business, or as security for the loan of money, borrowed by, or due from said corporation to any person or persons, body politic, or corporate, and may take and receive in their said corporate name from any person or persons, body politic or corporate, any notes, bonds, mortgages, or other evidences of debt, or securities for money or other property; but this section shall in no wise, be construed as conferring banking powers on said corporation.

Affairs of company managed by directors.

Sec. 4. The property and affairs of said corporation shall be managed and conducted by a board of not less than three nor more than seven directors who shall be elected annually, and who shall be stockholders in said corporation, and who shall be elected by the stockholders at such time and place as shall be directed by the by-laws of said corporation, each share of stock being entitled to one vote, which vote or votes may be cast by the holder of each share, or shares, or by proxy duly authorized thereto, and all such elections shall be by ballot, and the persons receiving the majority of all the votes cast, shall be the directors for the ensuing year and until their successors are duly elected and qualified, and when any vacancy shall happen from any cause, such vacancy shall be filled

for the remainder of the year in such manner as shall be provided by the by-laws of said corporation, the number of directors and how many shall constitute a quorum for the transaction of business shall be determined by said by-laws.

Sec. 5. The said directors shall annually, after their election, elect one of their number President, whose duty it shall be to preside at the meetings of the board, and to discharge such other duties as may be required of him by the by-laws, and in case of his absence at any meeting the directors present may elect a president pro tem. The directors shall have power to make and prescribe such by-laws rules and regulations, respecting the management of the property, concerns, business, stock and government of said corporation as they may deem expedient and proper; all meetings for the transaction of business for said corporation shall be held at such places as may be designated by said board of directors and the manner and times of calling, or holding meetings shall be prescribed in the by-laws of said company. The directors shall have power to appoint a treasurer and secretary and such other officers as may be required by the business of said company, and may remove the same at pleasure, and establish the compensation and define the duties of all their officers, said directors shall also have power to decide, the times, manner, and proportions in which the stockholders shall pay the money due on their respective shares, and to make such rules respecting the forfeiture of stock and shares as they may deem proper or advisable, and shall have power to appoint a time certain in each year for the election of directors, which election shall be held at the general office of said company upon such notice to the stockholders of not less than thirty days before such election, as shall be prescribed by the by-laws of said company; *Provided*, That if from any cause an election shall not be held at the time so appointed the same may be held at any time thereafter upon a like notice being given to the stockholders and the directors then in office shall in all cases continue to act until the election and qualification of their successors.

President
powers and
duties of.

Sec. 6. Books for subscriptions to the capital stock of said company, shall be opened at such place or places and at such time as a majority of the persons named in the first section of this act shall determine, which said books shall be kept open from day to day until at least fifty thousand dollars of said capital stock be subscribed, when the said

Books for
stock.

books shall be delivered to the said subscribers who shall then proceed to elect a board of directors as herein provided; and such directors, when so elected, shall at their first meeting determine the amount of capital of said company which shall not exceed five hundred thousand dollars, and if they shall establish said capital at any sum less than the last named amount the same may be increased, by a two thirds vote of the directors at any regular meeting to any amount not exceeding the said sum of five hundred thousand dollars.

**Stockholders
liable.**

Sec. 7. The stockholders of said corporation shall be jointly and individually liable, for all debts that may be due and owing to any of their clerks, labores, or servants for services performed for such corporation.

Sec. 8. This act is hereby declared a public act and shall be construed favorably to said corporation in all courts and places whatsoever.

Approved, April 2, 1853.

Chap. 207.

An Act to amend the Charter of the Madison, Watertown and Milwaukee Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Act amended. SECTION 1. Section 7 of an act to provide for the construction of the Lisbon and Milwaukee plank road, from Watertown to Madison; Approved, April 1st, 1848, is hereby amended so as to read as follows :

How amended Whenever said company shall have completed their road, or any five consecutive miles thereof; the said company may erect one or more toll gates upon said road, but not within three miles of each other, and may demand and receive tolls not exceeding the following rates !

For every vehicle drawn by one animal, one cent per mile.

For every vehicle drawn by two animals two cents per mile, and if drawn by more than two animals half cent per mile for every additional animal.

For every horse and rider or lead animal a half cent per mile.

For one score of sheep or swine one cent per mile, and for every score neat cattle three cents per mile;

Provided, That said company shall not have the right to erect or maintain any toll gate within the corporate limits of the city of Milwaukee.

Sec. 2. In case the said company, their agents or servants, shall violate the provision of the preceding section, the said company shall forfeit to any person herein aggrieved, the sum of ten dollars, for each and every such violation, and the same may be recovered by such person in an action of debt against the said company, before any justice of the peace in the county of Milwaukee.

Sec. 3. The said company shall enjoy all the rights, privileges and immunities, and shall to subjects to all the provisions liabilities penalties forfeitures contained in "an act entitled an act to regulate the collection of tolls, on plank and turnpike roads," approved, April 19th, 1852.

Sec. 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed,
Approved, April 2, 1853.

An Act to authorize the construction of a dam across Black River.

The people of the State of Wisconsin, represented in Chap. 108. Senate and Assembly, do enact as follows :

SECTION 1. Jacob Spaulding, his associates, successors, heirs and assigns, are hereby authorized to erect, and maintain a dam across the Black river, on the east half of the south east quarter of section fifteen of township twenty one, north of Range four, west of the fourth principal meridian, in the county of Jackson, and to make use of the water of said river for hydraulic purposes; *Provided*, That the construction of said dam shall in no way infringe upon the rights of other persons not herein named, and particularly with the land patented to wood, in the said section fifteen.

Authority to maintain a dam.

Sec. 2. The said dam shall not exceed eleven feet in height from the water mark, and shall be so constructed as to admit of the passage of all descending rafts, and water crafts which shall at all times be entitled to pass said dam free of all charges to the owner or owners of said rafts or water crafts.

Dam shall not exceed 11 feet in height.

Sec. 3. This act shall take effect immediately.
Approved, April 2, 1853.

An Act to incorporate the Racine Car and Locomotive Manufacturing Company.

Chap. 209.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their

**Constitute a
body politic.**

successors and assigns, shall be and are hereby constituted and made a body corporate and politic, by the name and style of the Racine Car and Locomotive Manufacturing Company; and by that name shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, may have a common seal, and alter the same at pleasure, and by the same name shall be capable of purchasing, holding and conveying any estate, real or personal property, for the use and benefit of said corporation.

Capital stock.

Sec. 2. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed to be personal property, and may be transferred in such manner as the by-laws of the company direct.

**Powers of
company.**

Sec. 3. The said corporation shall have power to manufacture cars, locomotive engines for railroads, and such other engines, machinery, iron, brass and copper implements and wares, as they may deem proper, and to sell and dispose of the same at pleasure; may erect buildings and machinery for such manufacturing purposes, to be moved by steam or other power, on any lands in the city of Racine, which are now or may hereafter be owned by said company; may in their corporate capacity and name, make and execute to any person or persons, or body corporate or politic, any and all writings, notes, bonds, mortgages, on real or personal property belonging to said company in the due prosecution of their business, or as security for the loan of money borrowed by or due from said company, to any person or persons, or body corporate, all of which said company is authorized to do, any law of this State to the contrary notwithstanding, but this section shall not be so construed as to confer banking powers upon said corporation.

**Affairs managed by
directors.**

Sec. 4. The property and affairs of said company shall be managed and conducted by a board of, not less than three nor more than nine directors, who shall respectively be stockholders in said corporation, and who shall be elected as aforesaid by the stockholders, at such time and place as shall be directed by the by-laws of the corporation, each share of stock being entitled to one vote, and may be cast by the holder thereof or by proxy duly authorized, all such elections shall be by ballot, and the per-

sons receiving the majority of votes cast shall be Directors, and when any vacancy shall happen from any cause, it shall be filled for the remainder of the year, in such manner as shall be provided for by the by-laws of said corporation, the number of directors, and how many shall constitute a quorum for the transaction of business shall be determined by said by-laws.

Sec. 5. The said directors shall annually after their election, elect one of their number President, whose duty it shall be to preside at the meetings of the Board, and in case of his absence at any meeting, the Directors present may elect a President pro tem. The directors shall have power to make and prescribe such by-laws, rules and regulations respecting the management of the property, concerns, business and stock of said corporation, as they may deem expedient and proper, all meetings for the transaction of business for the corporation shall be held at their office, which shall be located in the city of Racine, and the manner and times of calling meetings, shall be prescribed in the by-laws of said company, the directors shall have power to appoint a treasurer and secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure, and fix the compensation, and define the duties of all officers, they shall have the power to decide the time, manner and proportions in which the stockholders shall pay the money due, (or an equivalent therefor) on their respective shares, and to make such rules, respecting the forfeiture of stock and shares, as they may deem advisable, they shall also have power to appoint a time certain each year for the election of Directors, but such election shall always be held at the office of said company, upon due notice to the stockholders of not less than thirty days before such election; *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any time upon a like notice being given to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

General powers of directors.

Sec. 6. Books of subscription to the capital stock of said company shall be opened at Congress Hall, in the city of Racine, on the first Monday of April next, under the inspection of Henry S. Durand, Albert P. Dickey, Thomas Falvey, Jerome J. Case and Alfred Cary, and a majority of whom may keep said books open from day to day, until at least twenty thousand dollars of said stock be subscribed for, when the said persons above named may de-

Books for subscription to stock, by whom and when opened

liver to such subscribers said book, and the said subscribers shall then proceed to elect the Board of directors as herein provided for, and such directors when so elected, shall at their first meeting determine the amount of capital of said corporation, which shall in no case exceed one hundred and fifty thousand dollars, and if such capital shall be fixed at any sum less than the last named amount, the same may at any time thereafter be increased by a two-third vote of the said directors at a regular meeting thereof, to any amount not in whole however, exceeding the said sum of one hundred and fifty thousand dollars.

Stockholders
liable.

Sec. 7. Each stockholder shall be liable for the debts against the corporation to the full amount of stock in said corporation held by him, but before he shall be sued on such liability for debts against the corporation, an execution must have issued against said corporation and been returned wholly or in part unsatisfied.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

Chap. 210. An Act to authorize the construction of a free Bridge across the Milwaukee River in the town of Mequon in the county of Ozaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Ephraim R. Woodworth, John H. Ehls and R. Wolfgann, and their associates, are hereby authorized to construct a free bridge across the Milwaukee river in the town of Mequon, in the county of Ozaukee, commencing on the west side of said river, on the section line between sections seven and eighteen, town 9, range twenty-two, east, running east across said river, so as to strike the east bank thereof one hundred and fifty feet above said section line.

Sec. 2. Said bridge shall be so constructed as not to obstruct the free navigation of said river.

Approved, April 2, 1853.

Chap. 211. An Act to authorize the Mayor and Common Council of the city of Milwaukee to levy a special tax for the purposes therein mentioned.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Mayor and Common Council of the city of Milwaukee are hereby authorized, if in their opinion it

it is right and proper, to levy a special tax in addition to the taxes levied in the year eighteen hundred and fifty-three, on the real and personal estate in the first ward of the city of Milwaukee, sufficient to pay the sum of eleven hundred and fifty dollars, it being a ballance due, with the interest calculated for two years, for rebuilding the Chestnut street bridge across the Milwaukee river, in the winter of the year eighteen hundred and fifty-two, said tax to be levied and collected in the same manner that other taxes are levied and collected in said city, for said year.

Sec. 2. This act shall be in force from and after its passage.

Approved, April 2, 1853.

An Act to authorize the construction of a dam across the Pekatonica River in LaFayette County.

Chap. 212.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Richard H. McGoon, his associates, successors, heirs and assigns, are hereby authorized to build and maintain a dam to the height of ten feet across the Pekatonica river, on section number twenty, in town number three, north of range number three, east of the fourth principal meridian, in the county of LaFayette; also to erect mills or other machinery, or in any other manner make use of the water of said river for hydraulic purposes.

Sec. 2. The Legislature may at any time amend this act, when it shall be considered proper to provide for the improvement of the Pekatonica river.

Sec. 3. This act shall take effect from and after its passage.

Approved, April 2, 1853.

An Act to incorporate the Black River Falls Boom Company.

Chap. 213.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That Jacob Spaulding, B. Allen and Charles Whipple, their associates and successors be and they are hereby constituted a body corporate by the name of the "Black River Falls Boom Company," and may so continue for the space of twenty years, and by that name may sue and be sued, make by-laws not inconsistent with

the laws of this state for the management of their corporate concerns, and have and enjoy all the rights of similar corporations.

**Powers of
company.**

Sec. 2. That said company may erect and maintain two pocket booms and one distributing boom, with sufficient piers on either side or across the Black river. The said pocket booms to be located, one on fraction six and one on fraction four of quarter section fourteen, in township twenty-one, north of range four, west, on the west side of Black river, running down to an island in section fifteen; and the said distributing boom to be constructed on fraction three, quarter section number twenty-eight, in township twenty-one, of range four, west, in the county of Jackson, for the purpose of stopping and securing logs, spars, square timber, shingles and other lumber; *Provided*, That said boom or booms shall be so arranged as to permit the passage of boats at all times, and at times of running lumber a sufficient space shall be kept open in some convenient place for the passage of rafts, and if any raft of lumber shall by neglect or accident be carried in said boom or booms below the space so left open, said boom or booms may be opened so as to take out said raft if it can be done without injury to the company, otherwise it shall be taken out at the space kept open for the passage of rafts.

**Amount of
toll.**

Sec. 3. Whenever any logs, spars, square timber-shingles or other lumber in the log or tree, shall be secured and boomed, the said corporation shall be allowed there, for a toll or boomage of twenty-five cents per thousand feet, solid measure; and they shall have a lien on all logs, lumber or timber so boomed or secured for the payment of boomage.

**When no per-
son shall ap-
pear.**

Sec. 4. Whenever any logs shall be thus boomed and secured and no persons shall appear in behalf of the owner or owners thereof to take delving of the same, and to pay the boonage thereon, the said corporation shall cause said logs to be sawed into lumber and accurately measured, and after deducting their fees for boomage and the usual rates for sawing, the balance shall be kept by said corporation subject to the order or disposition of the owner. The said corporation shall cause to be entered in a book to be kept for that purpose the different marks on logs or timber thus boomed and secured for which no owner shall appear, the number of logs bearing any mark and the amount of lumber cut from logs bearing such mark or marks, and shall at the close of navigation in the

autumn of each year deposite in the town clerks office of the town where such boom may be situated, a copy of all such entries made for that year; the books of said incorporation shall at all times be open for the inspection of all persons.

Sec. 5. Any person or persons wishing to run logs or timber in a drive past said booms shall give the corporation notice of such desire, and the said corporation, upon receiving such notice, shall with as little delay as possible, proceed to arrange their boom, in such a manner as to permit the passage of logs and timber, and no person shall open said boom or booms at any time for the passage of rafts or logs, without first requiring said corporation so to do. To permit the passage of logs.

Approved, April 2, 1853.

An Act to provide for the laying out a State Road.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 214.

Section. 1. That Orin Wisel of Bad Ax county, W. Woods of LaCrosse county, and Daniel Reed, be and are hereby appointed commissioners to lay out and establish a State road beginning at Richland Center, Richland county, by way of Reeds Mill on the Kickapoo river, Viroque and Springville, in Bad Axe county, to the village of LaCrosse in LaCrosse county.

Provided, No portion of said expences shall be paid by the State.

Approved, April 2, 1853.

An Act to provide for laying out a State Road.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 215.

Section 1. That George Paine of Dane county, O.L. Britton of Richland county, Wm. Hood of LaCrosse county, be and are hereby appointed commissioners to lay out and establish a State road, beginning at Madison in the county of Madison, running by the way of Sextonville and Richland Center, Richland county, to LaCrosse, LaCrosse county; *Provided*, That no part of the expenses thereof shall be paid out of the State Treasury.

Approved, April 2, 1853.

Chap. 216.

An Act to amend an act entitled an act to incorporate the city of Fond du Lac.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. An act entitled an act to incorporate the city of Fond du Lac, approved March 19, 1852, is hereby amended so that the aldermen and other officers, who by said act are to be residents of the ward for which they are elected, shall be elected in such ward and only by the legal voters thereof.

Sec. 2. Section one of said act is amended so that the word "east" where it occurs in the second line of said section, as printed, shall read west.

Sec. 3. The Justices of the Peace elected in the several wards in said city, are hereby authorized to hold their offices at any place in said city.

Sec. 4. This act shall take effect from and after its passage.

Approved, April 2, 1853.

Chap. 217.

An Act to incorporate the Milwaukee Car Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Constituted a
body politic.

Section 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body corporate and politic, by the name and style of the Milwaukee Car Manufacturing Company; and by that name shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts, and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; may have a common seal, and alter the same at pleasure, and by the same name shall be capable of purchasing, holding and conveying any estate, real or personal property, for the use and benefit of said corporation.

Capital stock.

Sec. 2. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed to be personal property, and may be transferred in such manner as the by-laws of the company direct.

Sec. 3. Said corporation shall have power to manufac-

ture cars for railroads, carriages and other implements and Powers of
 wares, as they may deem proper, and to sell and dispose company.
 of the same at pleasure; may erect buildings and machin-
 ery for such manufacturing purposes, to be moved by
 steam, or other power, on any lands in the city of Mil-
 wankee, which are now or may hereafter be owned by
 said company; may, in their corporate capacity and name,
 make and execute to any person or persons, or body cor-
 porate or politic, any and all writings, notes, bonds, mort-
 gages, on real or personal property belonging to said com-
 pany, in the due prosecution of their business or as securi-
 ty for the loan of money borrowed by or due from said
 company, to any person or persons, or body corporate, all
 of which said company is authorized to do, any law of this
 State to the contrary notwithstanding, but this section
 shall not be so construed as to confer banking powers up-
 on said corporation.

Sec. 4. The property and affairs of said company shall Affairs manag-
 be managed and conducted by a board of not less than ed by board
 three nor more than nine directors, who shall be elected of directors.
 annually, and who shall respectively be stockholders in
 said corporation, and who shall be elected as aforesaid,
 by the stockholders at such time and place as shall be di-
 rected by the by-laws of the corporation; each share of
 stock being entitled to vote, and may be cast by the hold-
 er thereof or by proxy duly authorized; all such elections
 shall be by ballot, and the persons receiving the majority
 of votes cast shall be directors, and when any vacancy
 shall happen from any cause it shall be filled for the re-
 mainder of the year, in such manner as shall be provided
 for by the by-laws of the said corporation; the number of
 directors, and how many shall constitute a quorum for the
 transaction of business shall be determined by said by-
 laws.

Sec. 5. The said directors shall annually after their Directors to
 election, elect one of their number President, whose duty meet annually,
 it shall be to preside at the meetings of the board, and in election of
 case of his absence at any meeting, the directors present president, and
 may elect a president pro tem. The directors shall have powers of.
 power to make and prescribe such by-laws, rules and re-
 gulations, respecting the management of the property,
 concerns, business and stock of said corporation, as they
 may deem expedient and proper; all meetings for the
 transaction of business for the corporation shall be held at
 their office, which shall be located in the city of Milwan-
 kee, and the manner and times of calling meetings shall

be prescribed in the by-laws of said company; the directors shall have power to appoint a Treasurer and Secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure; and fix the compensation, and define the duties of all officers; they shall have power to decide the time, manner and proportions in which the stockholders shall pay the money due (or an equivalent therefor) on their respective shares, and to make such rules respecting the forfeiture of stock and shares as they may deem advisable; they shall also have power to appoint a time certain each year for the election of directors; but such election shall always be held at the office of said company upon due notice to the stockholders of not less than thirty days before such election: *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any time upon a like notice being given to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

Opening of
books when
done.

Sec. 6. Books for subscriptions to the capital stock of said company shall be opened at Milwaukee at such time and place as may be designated by William Hawkins, Chas. H. Larkin, James Bonnell and Henry Williams, or a majority of them, and who may keep such books open until twenty thousand dollars of said stock shall have been subscribed for, when the above named commissioners shall deliver to such subscribers said books, and the said subscribers shall then proceed to elect the board of directors as herein provided for, and such directors when so elected, shall at their first meeting determine the amount of capital of said corporation, which shall in no case exceed one hundred and fifty thousand dollars, and if such capital shall be fixed at any sum less than the last named amount, the same may at any time thereafter be increased by a two third vote of the said directors at a regular meeting thereof, to any amount not in whole, however, exceeding the said sum of one hundred and fifty thousand dollars.

Stockholders
liable.

Sec. 7. The stockholders of said corporation shall be severally liable to the extent of the amount of stock held by them respectively, for all debts of the said corporation, *Provided*, That execution for the same shall first have been issued against said corporation and returned unsatisfied in whole or in part.

Sec. 8. This act shall take effect and be enforced from and after its passage.

Approved, April 2, 1853.

An Act to change the name of the town of Lansing and organize the town of Centre.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows : Chap. 218.

SECTION 1. The name of the town of Lansing in the county of Outagamie, is hereby changed to the name of Centre, and the said town of Centre shall include all that portion of Outagamie county embraced in towns number twenty-two (22), twenty-three (23) and twenty-four (24), north of range seventeen, east of the fourth principal meridian.

Sec. 2. The election held in the town of Lansing on the 5th of July, A. D. 1852, is hereby declared legal, and the officers elected at the same time are hereby declared to be the legal officers of the said town and their respective official acts as such town officers are hereby declared legal in all respects.

Sec. 3. This act shall take effect from and after its passage.

Approved, April 2, 1853.

An Act to authorize the city of Sheboygan to aid in the construction of a certain Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows : Chap. 219.

SECTION. 1. The city council of the city of Sheboygan, are hereby authorized to borrow upon the credit of said city, one hundred thousand dollars, or less, for twenty years or less, in such sums as they may deem proper, on interest not exceeding seven per cent per annum, payable annually, in the city of New York, for the purpose of investing the same in the capital stock of a railroad company, authorized to construct a railroad from the city of Sheboygan westwardly by the way of Fond du Lac to the Mississippi river, and in case the said money or any part thereof, shall not be so borrowed, to subscribe for so many shares of said capital stock of the said railroad company, that the amount of the same, at their par value, together with the money so borrowed, shall not exceed the sum City authorized to borrow money.

of one hundred thousand dollars, and to pay for the same in the bonds of the said city, payable as above stated. In lieu of investing the said sum or any part thereof, in the capital stock of said railroad company, the city council are hereby authorized to loan the credit of the said city to the said company, to an amount not exceeding one hundred thousand dollars, for a time not exceeding twenty years, and at a rate of interest not exceeding seven per cent. per annum, and to take the convertible bonds of the said company, to secure the said city, and such other security as shall be agreed upon and approved by the said city council.

Stock pledged in payment of bonds. Sec. 2. The shares of stock in said railroad company, or the bonds and other securities of the said company thus taken by said city, and all dividends and interest arising from the same, are hereby pledged for the payment of the principal and interest of said city bonds: *Provided, however,* That the city council may sell such shares of stock or such bonds and other securities of said company, but the proceeds thereof, and interest shall still be pledged to pay the interest and principal of said city bonds.

Annual tax. Sec. 3. The said city council shall annually levy a tax upon all the taxable property of said city, sufficient to pay the interest of such bonds, after deducting the dividend received by said city on said shares of stock, or the interest on said bonds of said company, and in any year when said bonds or any part of them shall become due, the said city council shall levy a tax as aforesaid, sufficient to pay said bonds so becoming due, after deducting any and all sums received by said city on the sale of shares of stock, or of the bonds of said company, or dividends not expended in the payment of interest.

Railroad commissioner, how appointed. Sec. 4. The city council of said city shall annually appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company for the election of directors thereof, or for transacting any other business, and shall be entitled to cast one vote for every share of stock, which said city shall hold in said railroad company, and in case of his absence or inability to attend, to appoint in writing under their hands, some other person who shall have the same power.

Sec. 5. No bonds shall be issued in pursuance of the provisions of this act, nor shall the credit of the city be loaned to said railroad company, until a majority of the legal voters of said city, voting upon said question shall

vote in favor of the same, at an election called by the said city council, for that purpose. At such election, those voting in favor, shall vote a ballot, with the words inscribed thereon; "For the railroad." And those voting against, shall vote a ballot, with the words inscribed thereon, "Against the railroad." The city council shall give at least two weeks notice of the time and place of holding said election, by publishing the same in all the newspapers printed and published in said city, and this act shall be published in connection with such notice.—Said election shall be conducted, and the returns thereof, made and canvassed in the same manner as an election for city officers in said city. Must submit to a vote.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

An Act to incorporate the Highland Grove Mining Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 220.

SECTION 1. Robert Frayer, Enoch Robinson, their associates and successors, are hereby constituted a body politic and corporate by the name and style of the Highland Grove Mining Company, and by that name may sue and be sued, plead and be impleaded, and answer and be answered unto in all courts of law and equity, may have a common seal and alter the same at pleasure, and may enjoy all the privileges incident to a corporation for the purpose of mining. Constituted a body politic.

Sec. 2. Said corporation shall have power to purchase, hold and convey property not exceeding twenty thousand dollars at any one time, to construct, erect, and operate any machinery, water pumps, or other fixtures, to cut all drains or levels, and to do all other acts necessary for the purposes herein granted, not inconsistent with existing laws of this State. Powers of company.

Sec. 3. The said corporation shall locate their works and operate the same upon Sections thirteen [13] and fourteen [14] in town one north, range one west of the fourth principal meridian; first having obtained the consent of the parties owing the land thereto. Location of works.

Sec. 4. The first meeting of said corporation may be called by the persons named in this act, or either of them, at such time and place as they shall designate, and at such Meetings called.

meeting and all after meetings duly ratified, such corporation may make and alter such by laws and regulations for the management of the business of said corporation as a majority may direct.

Shares of
stock.

Sec. 5. Said corporation may divide the stock into as many shares and provide for the sale and transfer thereof in such manner as said corporation shall from time to time deem expedient.

Sec. 6. This act is hereby declared to be a public act, and the same shall be construed favorably in all courts and places whatever, and the same shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

Chap. 221.

An Act to authorize Nathan H. Wood to construct a dam across the Baraboo river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Authority to
build dam.

SECTION 1. Nathan H. Wood, his associates and assigns, are hereby authorized to construct and maintain a dam across the Baraboo river in the town of Caledonia, upon any lands belonging to said Wood or his associates in said town; said dam when constructed shall not exceed seven feet in height, and shall be constructed with a slide or chute sufficient to admit of the passage of all descending logs, timber, or lumber, and the said logs, timber, or lumber shall at all times be entitled to pass said dam free of all charges to the owner or owners thereof: *Provided*, Said dam shall be so constructed as not to interfere with any water privileges now improved on said stream.

Shall construct
locks.

Sec. 2. Whenever the Baraboo river shall be improved and rendered navigable, the owner or owners of said dam shall construct a convenient lock, not less than one hundred and twenty-five feet long between the gates and thirty feet wide in the clear, for the passage of boats, barges, and other water crafts; the same to be completed and ready for use when said river shall be improved and rendered navigable, and the proprietor or proprietors of said dam shall maintain said lock and shall superintend the passage of all boats, barges, and water crafts through said lock, free of all charges to the owner or owners thereof.

Approved, April 2, 1853.

An Act to authorize the town of Fort Howard to aid in the construction of certain roads. Chap. 222.

SECTION 1. The board of supervisors of the town of Fort Howard are hereby authorized to subscribe for the town of Fort Howard any amount not exceeding in the aggregate the sum of one hundred thousand dollars to the capital stock of any railroad or plank road companies authorized to construct such roads terminating in or passing through the village of Fort Howard, and to pay for the same in the bonds of said town, payable in twenty years, with interest payable annually, within or without the boundaries of this State, at a rate not exceeding seven per cent. Supervisors authorized to subscribe for stock.

Sec. 2. The shares of stock in said road companies thus taken by said town and all dividends arising from the same are hereby irrevocably pledged for the payment of the interest and principal of said bonds: Provided however that the board of supervisors of said town may sell such shares, but the proceed thereof and interest shall still be pledged to pay the interest and principal of said bonds. Stock pledged for payment of bonds.

Sec. 3. The board of supervisors of the town of Fort Howard, whenever the same shall become necessary, shall annually levy a tax upon the taxable property of said town sufficient to pay the interest upon such bonds, after deducting the dividends due to such town on said shares of stock. May levy tax.

Sec. 4. The board of supervisors of said town shall annually appoint one road stock commissioner, who shall attend the annual or special meetings of the stockholders of said road companies for the election of directors thereof and shall be entitled to cast one vote for every share of stock which said town shall hold in said road company, and in case of his absence or inability to attend, to appoint in writing under their hands some other person who shall have the same power. Stock commissioner.

Sec. 5. No bonds shall be issued in pursuance of the provisions of this act until a majority of the legal voters of said town voting upon said question shall vote in favor of the same, at an election called by the said board of supervisors for that purpose, to be held in the village of Fort Howard. At such election those voting in favor shall vote a ballot with the words inscribed thereon "For the Road," and those voting against shall vote a ballot with the words inscribed thereon "Against the Road." Four weeks previous notice of said election shall be given in a public newspaper printed in Brown county, and this act Questions submitted to a vote.

shall be published therewith. Said election shall be conducted and the returns thereof made and canvassed in the same manner as the annual town meetings of said town.

Sec. 6. This act shall take effect immediately.

Approved, April 2, 1853.

Chap. 223.

An Act to incorporate the Montello Academy.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Constituted a
body politic.

SECTION 1. That E. B. Kelsey, J. S. Patten, Wm. L. McKenzie, Thomas Fallon, Wm. H. Gleason, and their associates and successors, be, and they are hereby created a body corporate and politic with perpetual succession, with the name and title of "Montello Academy," with full power and authority to sue and be sued, plead and be impleaded in all courts and places, and to acquire, hold and convey real estate and personal property ; to have and to use a common seal, and to alter or renew the same at pleasure, and to adopt such by-laws for the government of said corporation and the business thereof, as may be deemed necessary, not inconsistent with the constitution and laws of this State.

Affairs man-
aged by trus-
tees.

Sec. 2. The affairs of the corporation hereby created, shall be managed and controlled by a board of trustees, consisting of five members, who shall have power to fill all vacancies that may occur in the board by death, resignation or otherwise, and shall hold their office for one year, and until their successors are elected, and shall be elected at such times, and in such manner as may be provided in the by-laws of such corporation ; *Provided*, That the first election of trustees shall take place at a meeting of the corporators to be held at such time and place as a majority of them shall determine, due notice of which shall be given. Any three of the trustees shall constitute a quorum for the transaction of business.

Powers of
trustees.

Sec. 3. The board of trustees shall have power to elect a president, secretary and treasurer from among the trustees, and shall have power to establish, conduct and continue, at, or near the village of Montello, an Academy, and to devise and execute measures for the management thereof, to prescribe the course of study in the several departments thereof ; to appoint requisite teachers and tutors and also confer such degrees, and to grant and issue such diplomas as they may deem meet due and proper.

[Sec. 4.] The said President, Secretary and treasurer, *Executive committee* shall constitute an executive committee for the transaction of all business under the direction of the by-laws.

Sec. 5. This act shall take effect from and after its passage.

Approved April 2, 1853.

An Act to incorporate the Racine Marine and Fire Insurance Company.

The people of the State of Wisconsin, represented in Chap. 224. Senate and Assembly, do enact as follows :

SECTION 1. That all such persons as do become stockholders in the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body corporate by the name and style of the Racine Marine and Fire Insurance Company of Wisconsin. The office of said company shall be in the city of Racine in this State. *Constituted a body corporate.*

Sec. 2. The capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and there shall be paid into the treasury of said company by each subscriber to the capital at the time of subscription an installment of ten per cent on the stock by him subscribed, the remainder to be paid, or to be amply secured to be paid, on real estate or other securities as the commissioners hereinafter mentioned shall deem sufficient, and until one thousand shares of said stock is subscribed for, and paid or secured to be paid as aforesaid, said company shall not commence business. *Capital stock.*

Sec. 3. The stock, property, and affairs of said corporation shall be managed and conducted by seven directors and such officers, clerks, and agents, and other persons as said trustees may appoint from time to time. Said directors shall divide themselves into three classes; the term of the first class shall expire on the first Monday of February succeeding their election, or as soon thereafter as others are elected in their stead; the term of the following classes shall expire successively on the first Monday of February in the following year, or as soon thereafter as others are elected in their stead. Nothing herein contained shall prevent the re-election of a director. The annual election for five directors shall be held on the first Monday of February in each year, at such place in the city of Racine as a majority of the directors may appoint, *Affairs managed by directors.*

Term of office.

Election of officers.

Commissioners.

Powers of company.

and the polls of said election shall be opened at two o'clock and remain open until four o'clock p. m. of said day, of which notice shall be given in some public newspaper published and circulated in the county of Racine, at least two weeks previous to said election. Said election shall be held under the direction of three stockholders, to be appointed by a majority of the directors, and directors shall be elected by a plurality of the votes of the stockholders present at said election and their proxies, allowing one vote for every share of stock subscribed.

Sec. 4. It shall be the duty of the directors on organizing and annually thereafter, to choose from their number a President, and they may in the same manner elect a Vice President and Secretary. The Vice President's duty shall be to perform all the duties of the President in case of his absence or inability.

Sec. 5. William T. Richmond, Seneca Raymond, Elisha Raymond, John G. Cornor, Charles Herrick, Columbus A. Orris, and George C. Northrup shall be the commissioners to the capital stock of said company, and when said stock shall be subscribed and paid or secured to be paid, as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders, by advertisement published at least one week previously in some newspaper published in the city of Racine, stating the time and place at which such meeting shall be held, and shall by ballot elect the first directors of said company. Said commissioners shall act as inspectors of said election, and if there should be any deaths or resignations from the commissioners above appointed, then the remainder shall appoint others to fill the vacancies.

Sec. 6. The said company shall have power to make insurance upon vessels, freights, goods, wares, merchandize, specie, jewels, bank notes, bills of exchange and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance connected with marine risks and the risks of transportation and inland navigation, also upon dwelling houses, stores, and all kinds of buildings, household furniture, merchandize, and all other property against loss or damage by fire, and re-insure the same, and also all and every insurance appertaining or connected with life insurance, and to cause themselves to be insured when deemed expedient against any risk or risks on which they have or may make insurance.

Sec. 7. All policies of insurance or other contracts

authorized by this act which may be made and entered into by this corporation, may be with or without seal thereof, and shall be subscribed by the President or Vice President and attested by the Secretary, and being so signed, executed, and attested, shall be binding and obligatory upon said corporation.

Sec. 8. It shall and may be lawful for the said company to take and hold any real estate, or securities, mortgage or pledges, to the said company, to secure the payment of any debt which may be contracted by or with said company, and to foreclose the same, and to purchase on sale made by virtue of any judgment at law or by order or decree of any court of equity, or any other legal proceeding or otherwise, to receive and take any real or personal estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell and convert the same into money or other personal property, and also to invest the capital stock, or so much of the surplus profits as they may deem fit, in such manner as the directors shall decide, and call in and re-invest the same so often as it shall be deemed necessary for the interest of the said company.

May hold real estate, &c.

Sec. 9. The capital stock of the said corporation shall be transferable according to the rules and regulations prescribed by the directors, and every subscriber of any share or shares of said stock who shall neglect to pay the instalments aforesaid, or to secure the residue of the share or shares by him subscribed shall forfeit the same to the said company or corporation, and all payments made thereon and all profits that may have arisen thereon.

Stock transferable, how and when.

Sec. 10. It shall be lawful for the directors of said corporation or company to make a dividend of so much of the profits of the said company as shall appear advisable, but the dividend shall not at any time exceed the amount of clear profits made by the company, but the capital stock shall be and remain unimpaired, and if the said directors shall at any time knowingly make a dividend of the capital aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them or any of them in any court of record in this State, by any creditor of said company, and each director present when such dividend shall be made shall be adjudged consenting thereto, unless he forthwith protest against such dividend and request his protest to be entered on the minutes of the company, and

Dividends.

give further notice to the stockholders of the declaring of such dividend, by advertising his said protest within ten days thereafter in a newspaper published and circulated in the county of Racine.

Sec. 11. Nothing contained in this act shall be construed to authorize the business of banking.

Approved, April 2, 1853.

Chap. 225. An Act to authorize the construction of a Toll Bridge across Wolf River at La Mote.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That George F. Wright and his associates and assigns be and they are hereby authorized and empowered to build and maintain a bridge across Wolf river at La Mote, in the county of Shawanaw.

Sec. 2. That said bridge shall not be less than twelve feet wide, and shall contain a draw of sufficient width to pass and repass all boats and water craft during the season of navigation, without charge or expense or unnecessary delay.

Sec. 3. The said persons herein named, their associates and assigns, shall have power after the completion of said bridge to demand and collect tolls for passing the same, as follows: For every vehicle drawn by two horses, oxen, or mules, twenty cents; for every additional horse, ox, or mule, five cents; for all animals in droves, two cents each.

Sec. 4. The said persons herein named, their associates and assigns, shall keep posted in some conspicuous place on said bridge a list of the rates of toll allowed by this act.

Approved April 2, 1853.

Chap. 226. An Act to authorize the construction of a dam across Fox River.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. That Asahel W. Benham, his associates, successors and assigns are hereby authorized to construct and maintain a dam across Fox river, on section No. (30) township No. (1) north range (20,) east.

Sec. 2. This act shall not be so construed as to release said Benham, his heirs associates or assigns, from any

claim for damages which any person or persons may sustain in consequence of the erection or maintainance of such dam.

Sec. 3. This act shall take effect from and after its passage.

Approved, April 2, 1853.

An Act to authorize the laying out a State road therein named.

Chap. 227.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows :

SECTION 1. John A. Compton, Geo. Hiles, and S. P. Angle, be, and they are hereby appointed commissioners, to lay out and establish a State road from Grand Rapids on the Wisconsin river, to the village of Angelo on the La Crosse, in La Crosse county; *Provided*, that no money shall be paid out of the State treasury, to defray the expenses of laying out said road.

Approved, April 2, 1853.

An Act to provide for the inspection of Fish in the county of Manitowoc.

Chap. 223.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The county of Manitowoc shall constitute an inspection district and the county supervisors of such county may if in their opinion the same be necessary, appoint in such district for the term of one year, an inspector of fish, who shall have power to appoint so many deputies to act under him as his respective duties in office may require for whose acts and conduct in office the principal shall be accountable and liable.

Sec. 2. Before any such inspector or deputy inspector shall enter upon the duties of his office, he shall take an oath or affirmation that he will support the constitution of the United States and the constitution of the State of Wisconsin and faithfully and impartially execute and perform the duties required of him by law as inspector of fish, and each inspector so appointed shall enter into bonds with sufficient freehold security to be approved by the chairman of the said board of supervisors in the penal sum of one thousand dollars payable to the treasurer of the said county conditioned for the faithful and impartial discharge of the duties required of him by law as inspector of fish in and for the proper county, which bond and affidavit, shall be lodged with the county treasurer of said county.

Oath of office.
Misconduct in office.

Misconduct in
office.

Sec. 3. Any person considering himself injured by the incapacity neglect or misconduct of any such inspector or his deputy may institute a suit on a copy of such bond certified by the county treasurer with whom the same shall be filed, for the use of the party sueing: *Provided*, That the treasurer shall not be liable for costs; and in case the party sueing shall obtain judgment he may have execution as in other cases, and the said bond shall not become void on the first or any subsequent judgment: *Provided* also, that the said suit shall be instituted within one year after the cause of action shall have accrued.

Fish to be in-
spected.

Sec. 4. All fish hereafter sold in barrels or casks within said county shall be contained in barrels or casks of the description hereinafter specified and before offered for sale, shall be inspected by some inspector appointed under the provisions of this act who shall immediately on application for that purpose, either by himself or his deputy attend and perform the duties of his appointment, and make and keep proper entries of every lot of fish by him so inspected.

Barrels how
made.

Sec. 5. All fish barrels or casks in such county shall be made of good sound seasoned timber, clear of sap, well bound with at least twelve sufficiently strong hoops, or eight flat hoops at least two inches broad, and shall contain at least two hundred weight of clean fish in each barrel or cask or one hundred weight in each half barrel or cask, and only one species of fish shall be packed or put into the same barrel or cask; and previous to any fish being packed said fish shall be corned down with sufficient salt, for at least twelve hours before inspection, and when inspected shall be thoroughly examined, cleaned and packed with sufficient good clean salt to each barrel or cask for the preservation of the same.

Duty of in-
spector.

Sec. 6. It shall be the duty of every inspector when inspecting any fish under the provisions of this act to cause the same to be carefully opened and examined, and ascertain that such fish have been properly corned, and that the same are clean, and of one species, and of good quality; and shall cause the same to be packed in good and sufficient barrels or casks, and the requisite quantity of salt applied as hereinbefore required, and shall brand the same on the head of each barrel or cask, with the word Wisconsin, and the name of the county where inspected, the species of the fish and the word or figure No. 1, or No. 2, as the same may be, of the first or second quali-

ty, and the initial letters of such inspector's christian name and his surname in full.

Sec. 7. Any person or persons taking in waters of this state, any fish or bringing or importing into such county, any fish taken in any waters without this state, shall immediately on bringing said fish on shore or importing the same into such county or port therein except shad, mackerel, herring or codfish, and before any part thereof, are sold or bartered in barrels or casks, or offered for sale, or barter in such county, cause such fish to be inspected and branded by the inspector at or nearest the port or place at which the same are landed or brought into this state.

What fish to be inspected.

Sec. 8. Each and every person in such county neglecting to comply with the provisions of the next preceding section, shall forfeit and pay for each and every barrel or cask of fish so by him, her, or them sold, or offered for sale or barter, within such county without being inspected and branded as aforesaid, the sum of two dollars, to be recovered in an action of debt, before any court having jurisdiction thereof, with costs of suit, which suit may be brought by any citizen of such county in the name of the county where said fish may be so sold or offered for sale, one half for the use of the person making complaint, but the county shall in no case be liable for costs.

Penalty for violating this act.

Sec. 9. If on view the inspector or his deputy, who shall be called upon for that purpose, shall find any of the firkins, barrels or kegs heretofore mentioned, should not be sufficient, and made in conformity with the provisions of this act, such inspector or his deputy shall desist from any further inspection of its contents, and judge the same unmerchantable, and thereupon condemn and mark said barrel or cask accordingly, but nothing in this section contained shall be so construed as to prevent the repacking of such articles in proper and sufficient casks or barrels, and when done may be inspected and passed, if found good and merchantable as in other cases under this act.

When declared unmerchantable.

Sec. 10. If any inspector or deputy inspector, shall fail or neglect to do the duties of his office, or shall be convicted of any partiality, or of having acted contrary to the directions of this act, he shall forfeit and pay for every such offence a sum not exceeding one hundred dollars, with costs of suit to be recovered before any court having jurisdiction thereof, in an action of debt, one half to the use of the county for the support of the poor, and shall moreover, be liable to the party injured, for damages.

Inspector—
forfeiture for neglect.

Counterfeiting Brands. Sec. 11. If any person or persons shall counterfeit the aforesaid brands or marks, or either of them, or impress such counterfeit brands or marks on any cask, barrel, firkin or keg, containing articles subject to inspection by this act, he, she or they so offending, and being duly convicted thereof, shall be deemed guilty of forgery, and shall be dealt with accordingly.

Fees. Sec. 12. The inspectors appointed under this act shall receive the following fees for their services: For packing, inspecting and examining every barrel of fish, fifteen cents and for every half barrel, ten cents, and no barrel, keg or firkin containing articles subject to inspection under this act shall be inspected the second time, unless upon the application of both seller and purchaser, in which case, the fees shall be paid equally by the applicants.

Penalty for receiving extra fees. Sec. 13. If any such inspector, shall demand and receive any greater sum than is provided in the next preceding section, or shall directly or indirectly purchase any article by him condemned as unfit for exportation or sale, or in any wise unsaleable, he shall forfeit and pay for every such offence, a sum not exceeding one hundred dollars, with costs of suit, to be sued for and recovered before any court having jurisdiction thereof, one half for the use of the county where the offence was committed.

Approved, April 2, 1853.

Chap. 229. An Act to amend an act entitled "An Act to incorporate the city of Racine, in the county of Racine," Approved, August 8, 1843.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

Power to purchase land for cemetery purposes. SECTION 1. The city council of the city of Racine shall have power to purchase, hold, sell and convey land and real estate for cemetery and burial purposes, situate, lying and being outside of the corporate limits of said city, and all land and real estate now occupied by said city, for cemetery or burial purposes, situate, lying and being outside of the corporate limits of said city shall be subject to the control, rules and regulations of the city council, as provided in this act.

May pass ordinances. Sec. 2. The city council shall have power to enact, establish, publish, enforce, alter, modify, amend or repeal all such ordinances, rules and by-laws for the management, regulation and government of said burial or cemetery grounds, as they may deem expedient, and said or-

dinances, rules and by-laws shall have the same power and effect as all other ordinances, rules and by-laws passed by said city council, and for that purpose the said city council shall have the same power, authority and jurisdiction over said burial or cemetery grounds, as if the same were situate, lying and being within the corporate limits of said city.

Sec. 3 All burial or cemetery grounds owned by said city, shall be exempt from taxation. Exempt from tax.

Sec. 4. The city council shall have power to authorize the construction of docks, wharves, street filling, embankments, or such other protection as the said city council may deem expedient to prevent the banks of Root river from washing, sliding or falling into said river, and also to require the docks, embankments and street filling to be kept in repair, and the whole cost and expense of making such improvements, shall be a charge and lien upon the several lots upon which the same are made, and the same shall be added to the tax levied on said lots respectively, and collected in the same manner and at the same time as other taxes are collected, and all laws and ordinances of said city, regulating the building of side walks therein, and the collecting the tax thereupon, shall apply to making of said improvements, and the collecting the tax thereof, so far as the same may be applicable thereto. May construct docks, wharves, &c.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

An Act to incorporate the Fond du Lac and Oshkosh Plank Road Company.

Chap. 230.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Daniel Vomdine, William H. Merrit, William Wetford, W. H. Bruce, O. L. Lane, Hector Monroe, P. Clines, John Gay, William H. Walker, and A. C. Cook be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Fond du Lac and Oshkosh Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of receiving. Commissioners.

ing such subscriptions, by publishing the same in one or more newspapers printed in the counties of Fond du Lac and Winnebago.

Capital stock. Sec. 2. The capital stock of said company shall be forty thousand dollars, in shares of twenty dollars each, and as soon as one hundred shares of the capital stock shall be subscribed and five per cent of the amount thereon actually paid in or secured to the said company, the subscribers of such stock with such other persons as they shall thereafter associate with them for that purpose, their successors and assigns, shall be and they are hereby created and declared a body corporate and politic by the name of the Fond du Lac and Oshkosh Plank Road Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining and conveying estate, real, personal, or mixed, in their corporate name, may sue and be sued, may have a common seal which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

Directors, when to be elected. Sec. 3. The said commissioners, or a majority of them, after said one hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days notice in one or more of the newspapers of the said counties of Fond du Lac and Winnebago, of the time and place of the meeting of the stockholders for the purpose of electing five directors, who shall hold their office until their successors are elected, and annually thereafter, upon the anniversary of the first election, upon notice of the place of meeting being given by the directors, being published in one or more of the newspapers in the counties aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the said commissioners above named, upon the subscription of one hundred shares of stock, and the organizing of said commissioners by the election by them of one of their number President, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken to have begun and be complete as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors, or in the said board of commissioners, acting in the capacity of directors, the board shall have power to fill such vacancy.

Proviso. Sec. 4. The affairs of said company shall be managed

by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders, in person or by proxies duly authorized, and in all elections and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections where the five persons having the greatest number of votes cast for directors shall be declared duly elected.

Affairs of company managed by directors.

Sec. 5. A majority of said directors shall form a quorum for the transaction of all business and shall organize by choosing one of their number President, and they shall have power to appoint a Secretary and Treasurer, and such other officers or agents as they shall deem fit, and may fix their compensation, may demand adequate security for the performance of their respective trusts, and may remove said officers and revoke the powers of such agents at pleasure, they shall also have power to make all necessary and proper by-laws, rules, and regulations for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws, not inconsistent with the constitution and laws of this State, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company and all persons interested therein, as if the same formed a part of this act of incorporation.

Officers, how appointed.

Sec. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock and all pay or payments thereon, or failure to pay such instalments as may be called for, and also to adopt in behalf of the company a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same valid releases discharging them from all liabilities thereafter for or on account of the acts of said company or any of its officers.

Instalments, when to be paid.

Sec. 7. The said directors shall have power to regulate tolls, and make such covenants and contracts, in the name and under the seal of said company, with any person or persons, as the execution and management of the work and the convenience and interest of the company may require, and may issue to each stockholder a certificate or certificates of the amount paid on such share at the time of issuing such certificate or certificates, which certificate

May regulate tolls.

or certificates shall be signed by the President and countersigned by the Secretary of said company, and such certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

Power to construct road. Sec. 8. The said company shall have power to locate and construct a single or double track road from any point within the city of Fond du Lac, in the county of Fond du Lac, to the village of Oshkosh, in the county of Winnebago, by the most eligible and practicable route as the directors shall decide. The track of said road shall be constructed of plank, stone, gravel, charcoal, or either, in whole or in part each at the option of the directors, so that the same, when completed, shall constitute a firm, regular and proper surface for the passage of wagons and carriages.

May enter upon land. Sec. 9. It shall and may be lawful for said company, their officers, engineers or agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by the said company it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That in such case as may be necessary for the company to obtain gravel or stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of said road as may endanger said road by falling or otherwise.

Proviso.

Compensation for land how fixed. Sec. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purpose thereof, or for the compensation to be paid therefor, or when by reason of the absence or legal incapability of the owner or owners no such agreement or purchase can be made, then and in any such case it shall be lawful for any Justice of the Peace to issue a warrant directed to the Sheriff or any Constable of said counties in which the land may lie, not directly interested, requiring him to summon a jury of nine freeholders of said either counties in which the land in dispute may be situ-

ate, not interested in said property, to meet said Justice at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant, and if at the time and place named any of the persons so summoned do not attend, the said Sheriff or Constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said compauy, or the owner or owners of said property to be valued, their agents or attorneys, or either of them, and if they are not present in person or by attorney, the Sheriff or Constable shall for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said Justice of the Peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required for such road, and all damage which the owner or owners shall sustain by reason of the construction of said road, according to the best of their skill and judgment. Whereupon the said Justice and persons shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said Justice shall reduce to writing, which shall be signed by said Justice, and the verdict of the jurors thereon shall be signed by the jurors, or a majority of them, and by the Justice of the Peace, and the said Justice of the Peace shall, within five days thereafter, transmit the same to the Clerk of the Circuit Court of the proper county, who shall file the same; such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question and the value thereof, as aforesaid, and such valuation, when paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the Clerk of said Circuit Court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road: *Provided*, That it shall not be lawful for any Justice or jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation.

tion, or unless it in like manner shall be shown that such owner or owners are under age, feme covert, or non compos mentis, such service may be made upon the guardian, trustee, or husband, under the same restriction as hereinbefore recited; and in case of non-resident owners, notice of said inquest shall be given by the publication of said notice in one or more newspapers in such county where the land may be situated, by publishing the same for four successive weeks, at least once in each week, before the time of taking such inquest: *Provided*, That no such materials shall be taken if the jury shall decide that the same is essential to the owner or owners thereof.

May pass along
or over high-
ways.

Proviso.

Sec. 11. The directors shall have power, in their discretion, to construct said plank road along and upon any road or highway now or hereafter to be laid, opened, and established by the proper authorities, and of such width and in such manner as the said directors shall determine: *Provided*, That such authority shall first proceed from the supervisors of the town in which such public highway may be situated, and they may erect toll gates and exact toll from persons traveling on their road, whenever three consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle sled, sleigh, or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh, or carriage drawn by one animal, one cent per mile; and for every horse and rider, or for every led animal, one cent per mile; for every score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile: *Provided*, That persons going to and from military parade at which they are required by law to attend, and persons going to and returning from funerals shall be exempt from tolls. The toll gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate any animal or carriage subject to toll until the toll thereon is paid.

May receive
property in
lieu of
money.

Sec. 12. The said directors may receive from any stockholder in said company, in lieu of money, for the stock subscribed by him, real or personal property to be approved of by the said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid, and certificates of stock shall be issued to said stockholders in the same manner as if they had paid in the full amount in money, and it shall be compe-

tent for the said stockholders paying their subscriptions to said stock in securities as aforesaid, to contract and to pay said company interest at the rate of twelve per centum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them in the same manner as if the same were made payable to individuals, or to their order or assignee.

Sec. 13. If any person shall wilfully or knowingly obstruct, break, or destroy the said road to be constructed by the said company, or any part thereof, or any work, buildings, or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending shall each of them for every such offence be liable to a civil suit for the recovery of damages by said company, by an action of trespass in any court having competent jurisdiction in the county wherein the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty for
obstructing
road.

Sec. 14. Any person who shall wilfully break or throw down any gate on such road which may have been erected in pursuance of this act, or do any damage to said road or forcibly or fraudulently pass such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team, carriage, or animal, turn out of said road or pass any gate thereon or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars to and for the use of said company, and also for all damages done to the profits of the said company, in action of trespass.

Penalty for
breaking
down gate.

Sec. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means to complete the same.

May increase
capital stock.

Sec. 16. If said company shall not within five years from the passage of this act, commence the construction of said plank road, and expend three thousand dollars or more thereon, and shall not within ten years from the

Commence-
ment and
completion
of road.

passage of this act construct, finish, and put in operation a single or double track plank road, the rights, privileges, and powers of the corporation under this act shall be null and void.

Sec. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State shall be received as evidence thereof.

Sec. 18. This act may be altered or amended by any future legislature of the State of Wisconsin.

Approved April 2, 1853.

An Act authorizing Lucius Taft and Ira Millard to maintain a Ferry across Wolf River.

Chap. 231.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Lucius Taft and Ira Millard, their heirs, executors, administrators and assigns, shall have the exclusive right to keep and maintain a ferry across Wolf river, on section number twelve (12), township number twenty-two (22), north of range number fourteen (14), east, for the period of five years.

Authority to
keep a dam.

Regulation of
tolls.

Sec. 2. The said ferry shall be subject to such regulations as other ferries are or may by law be subject, and the proprietors thereof shall be entitled to receive for crossing any vehicle drawn by one or two horses, or one yoke of oxen, twenty-five cents ; for each additional horse or ox, ten cents ; for man and horse, twenty cents ; for cattle or horses in droves, five cents each ; Provided, hogs and sheep shall not be charged more than three cents per head, and for foot passengers ten cents each.

Sec. 3. No ferry shall be licensed within one mile of the points where the ferry above provided shall be established.

Approved, April 2, 1853.

An Act to incorporate the Berlin Fire Insurance Company.

Chap. 232. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That all such persons as do become stockholders in the capital stock hereinafter mentioned, their successors and assigns, shall be and they are hereby con-

stituted and made a body politic and corporate, by the name and style of the "Fire Insurance Company of Berlin," the office of said company shall be in the village of Berlin in this state. Constituted a body politic.

Sec. 2. The capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and there shall be paid into the treasury of said company by each subscriber to the capital at the time of subscription, an installment of five per cent. on the stock by him subscribed, the remainder to be paid or to be amply secured to be paid, on real estate or other securities, as the commissioners hereinafter mentioned shall deem sufficient, and until five hundred shares of said stock is subscribed for and paid or secured to be paid as aforesaid, said company shall not commence business. Capital stock.

Sec. 3. The stock, property and affairs of said corporation shall be managed and conducted by, nor more than fifteen directors, and such officers, clerks, agents and other persons as said trustees may appoint from time to time, said directors shall divide themselves into three classes, the term of the first class shall expire on the first Monday of February succeeding their election, or as soon thereafter as others are elected in their stead; the term of the following classes shall expire successively on the first Monday of February in the following year, or as soon thereafter as others are elected in their stead. Nothing herein contained shall prevent the re-election of a director. The annual election for five directors shall be held on the first Monday of February in each year, at such place in the village of Berlin as a majority of the directors may appoint, and the polls of said election shall be opened at two o'clock, and remain open until four o'clock, P. M. of said day, of which notice shall be given in some public newspaper published and circulated in the county of Marquette, at least two weeks previous to said election, said election shall be held under the direction of three stockholders, to be appointed by a majority of the directors, and directors shall be elected by a plurality of the votes of the stockholders present at said election, and their proxies, allowing one vote for every share of stock subscribed. Affairs managed by directors.

Sec. 4. It shall be the duty of the directors, on organizing, and annually thereafter, to choose from their number a president, and they may in the same manner elect a vice-president and secretary, the vice-presidents duty shall Officers, how elected and duties of.

be to perform all the duties of the president in case of his absence or inability.

Commission-
ers.

Sec. 5. Ezra Wheeler, J. Volney Sweeting, John Desoe, A. R. Miller and A. M. Hackley shall be the commissioners to the capital stock of said company, and when said stock shall be subscribed and paid, or secured to be paid as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders, by advertisement, published at least one week previously in some newspaper published in the village of Berlin, stating the time and place at which such meeting shall be held, and shall be by ballot, elect the first directors of said company, said commissioners shall act as inspectors of said election, and if there should be any deaths or resignations from the commissioners above appointed, then the remainder shall appoint others to fill the vacancies.

Powers of
company.

Sec. 6. The said company shall have power to make insurance upon vessels, freights, goods, wares, merchandize, specie, jewels, bank notes, bills of exchange and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance connected with marine risks and the risks of transportation and inland navigation, also upon dwelling houses, stores, and all kinds of buildings, household furniture, merchandize and all other property, against loss or damage by fire, and re-insure the same, and also all and every insurance appertaining or connected with life insurance, and to cause themselves to be insured when deemed expedient against any risk or risks on which they have or may make insurance.

Policies, how
attested.

Sec. 7. All policies of insurance or other contracts authorized by this act, which may be made and entered into by this corporation, may be with or without seal thereof, and shall be subscribed by the president or vice-president and attested by the secretary, and being so signed, executed and attested shall be binding and obligatory upon said corporation.

May hold real
estate.

Sec. 8. It shall and may be lawful for the said company to take and hold any real estate or securities, mortgage, or pledge to the said company, to secure the payment of any debt which may be contracted by or with said company, and to foreclose the same, and to purchase on sale made by virtue of any judgment at law or by order or decree of any court of equity or any other legal proceeding, or otherwise to receive and take any real or personal estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and

to hold the same until they can conveniently sell and convert the same into money or other personal property and also to invest the capital stock, or so much of the surplus profits as they may deem fit, in such manner as the directors shall decide, and call in and re-invest the same so often as it shall be deemed necessary for the interest of the said company.

Sec. 9. The capital stock of the said corporation shall be transferable according to the rules and regulations prescribed by the directors, and every subscriber of any share or shares of said stock who shall neglect to pay the instalments aforesaid, or to secure the residue of the share or shares by him subscribed, shall forfeit the same to the said company or corporation, and all payments made thereon, and all profits that may have arisen thereon. Capital stock transferable.

Sec. 10. It shall be lawful for the directors of said corporation or company to make a dividend of so much of the profits of the said company as shall appear advisable, but the dividend shall not at any time exceed the amount of clear profits made by the company, but the capital stock shall be and remain unimpaired, and if the said directors shall at any time knowingly make a dividend of the capital aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them, or any of them, in any court of record in this state, by any creditor of said company, and each director present when such dividend shall be made, shall be adjudged consenting thereto, unless he forthwith protest against such dividend, and request his protest to be entered on the minutes of the company, and give further notice to the stockholders of the declaring of such dividend, by advertising his said protest within ten days thereafter, in a newspaper published and circulated in the county of Marquette- Dividends how made.

Sec. 11. Nothing contained in this act shall be construed to authorize the business of banking. Banking prohibited.

Approved, April 2, 1853.

An Act to authorize certain towns to subscribe stock in the Menasha and Manitowoc Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows : Chap. 233.

Section 1. That the Supervisors of any town now organized, or that may be hereafter organized, or Trustees

Authority to
subscribe for
stock.

of any incorporated village through which the Menasha and Manitowoc Plank Road may be located, or any of its branches, and of the towns at either end of said plank road or branches, by and with the consent of a majority of the legal voters of said town, to be expressed as hereinafter provided, be and they are hereby authorized and required to subscribe in the name and for the benefit of such town, to the capital stock of the Menasha and Manitowoc plank road company, an amount not exceeding ten thousand dollars.

May issue
bonds in pay-
ment for
stock.

Sec. 2. That the Supervisors of said towns or trustees of said villages, for the purpose of paying the stock authorized to be subscribed for by this act, are hereby authorized to borrow the necessary amount of money for which they shall issue the bonds or obligations of such towns, signed by the supervisors of the same, in amounts not less than fifty dollars, which bonds or obligations shall be made negotiable, bearing interest payable annually, at such place, and at such rate, not exceeding ten per cent. per annum, as may be agreed upon, and such bonds or obligations may be made redeemable at such time as may be deemed expedient by said supervisors, or such bonds or obligations, or any part thereof, may be issued directly to said company in payment of said stock, as said supervisors or trustees and the officers of said company may agree.

Shall keep
register of
bonds.

Sec. 3. That the said supervisors of such town, and trustees of such villages, shall keep an accurate register of all bonds or obligations issued under the provisions of this act, showing the dates, numbers and amounts thereof, to whom issued, when payable, and the rate of interest stipulated therein, and they shall also cause to be kept in the office of the town or village treasurer of their several towns or villages, such books and entries as will fully exhibit all liabilities, receipts, disbursements and the precise state of indebtedness of such towns arising in any manner under this act.

Faith of town
pledged to
payment.

Sec. 4. That the faith of any town or village subscribing for stock under this act, and the nett profits, or dividend upon the stock so subscribed by said town or village, shall stand pledged for the payment of the indebtedness and interest which may become due from said town or village under this act, and it is moreover made the duty of the supervisors of such towns, and trustees of such villages so subscribing under this act, to add and levy such per centum of tax upon the assessment roll of all the taxable property in such town or village annually, in addi-

tion to the ordinary taxes of such town or village, to be collected as other town and village taxes, as shall be sufficient, when added to the dividends or nett profits aforesaid, to pay the accruing interest, expenses, discounts, or any loans arising out of the sale of said bonds or obligations, or in any manner arising under this act, and likewise to provide a sinking fund of such amount as they may deem expedient, and the money so raised, when collected like other taxes, shall be applied to the purposes aforesaid, and none other.

Sec. 5. That the supervisors of any town or trustees of any village so subscribing, by themselves or such agent or agents, as they may appoint, shall have power to vote at all meetings of the stockholders of said plank road company, in proportion to the stock owned by such town or village, and in all other respects to act in the business of said company as individual stockholders in the same are authorized by law to do, and the said supervisors are hereby authorized whenever they deem the same expedient, to sell and transfer any or all stock owned by such town or village in said company, in order to pay off the indebtedness which may accrue under this act, and the proceeds of such sale shall be applied to the extinguishment of an equivalent amount of the indebtedness of the town or village created under this act.

Sec. 6. That before any stock shall be subscribed by the supervisors of any of the towns, or trustees of any village aforesaid, to the said plank road company, under the provisions of this act, the question shall be submitted to the qualified electors residing within the limits of such town or village, in the manner following, that is to say: on the written application to the supervisors of any such town, or trustees of any such village, of twenty or more qualified electors of said town or village, which application shall specify the amount of stock they desire said supervisors or trustees to subscribe to the capital stock of said company for the benefit of said town or village. It shall be the duty of the supervisors of such town or trustees of such village to give notice by posting up in five or more of the public places in such town or village, at least ten days before the time specified in said notice for holding said election, a written or printed notice, setting forth that on a certain day, and at a certain place therein mentioned, an election will be held in such town or village, for the purpose of deciding whether the supervisors of said town or trustees of said village shall subscribe in the name

Votes of stock-
holders.

Question sub-
mitted to a
vote of the
people.

and for the benefit of said town or village to the capital stock of the Menasha and Manitowoc plank road company, the amount specified in the application aforesaid, which amount shall also be specified in said notice, and on the day, and at the place specified in said notice, an election shall be had, and a vote taken by ballot, and said election shall be held and conducted, and the vote taken, canvassed and returned in all respects as provided for the holding and conducting of town meetings, and each voter shall endorse upon his ballot the words "for subscription" or "against subscription," and if it appears that a majority of the votes given are in favor of such subscription, the same shall be made in the manner provided in this act, but not otherwise.

Posting of notices.

Sec. 7. That the said supervisors or trustees, or one of them, shall make or cause to be made an affidavit or affidavits of the posting of the notices required in the foregoing section of this act, which affidavit or affidavits, together with the application in writing, also specified in the foregoing section, shall be by them deposited in the office of the town or village clerk of their respective towns or village, and recorded in his office, and the said affidavit or affidavits and applications, or certified copies of the same, or a certified transcript of the record of the same, shall be taken and received in all courts of this state, as conclusive evidence to prove the facts set forth and contained in the same.

Sec. 8. This act shall take effect, and be in force from and after its passage.

Approved April 2, 1853.

An Act to authorize the counties of Brown and Outagamie to loan their credit.

Chap. 234. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Supervisors authorized to pledge the faith of their counties.

SECTION 1. The Board of Supervisors of the county of Brown, and the Board of Supervisors of the county Outagamie, are hereby authorized to pledge the faith of their respective counties to the punctual payment of seven per cent of interest on they certificate of indebtedness hereafter issue to any contractor on the Fox River below Lake Winnebago, for any term or terms not exceeding ten years.

Provided, No such pledge or guarantee shall be binding upon either of said counties till approved by a majori-

ty of the legal votes polled upon the subject at an election for that purpose, held not less than three weeks after due notice thereof being given by said Board, said election to be conducted, and the votes canvassed, in the same manner as provided for elections for township officers.

Sec. 2. It shall be the duty of the said Board of Supervisors, and they are hereby authorized to levy and collect annually, on all the taxable property in their respective counties, in addition to the taxes already authorized by law, such sum not exceeding one per centum on the last assessed valuation of said taxable property as will be sufficient to pay and discharge the annual interest on said certificate thus guaranteed as the same becomes due, and the proceeds of every such tax shall be applied to the payment of such interest, and to no other purpose whatever. May levy additional tax.

Sec. 3. Every tax levied by virtue of this act shall be levied and collected in the same manner as taxes for state purposes are levied and collected, and shall be a lien on real estate from the time such levy shall be made.

Sec. 4. This act shall take effect from and after its passage.

Approved April 2, 1853.

An Act to legalize the acts of the Road Commissioners of the town of Dane, and county of Dane, in the year 1848, and for other purposes.

Chap. 235.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. That the acts of the road commissioners of the town of Dane, in the county of Dane, of the year, A. D. 1848, in laying out a certain road in the year 1848, described as follows: commencing on section seven in said town, running in a south-easterly direction, by J. R. Waterbery's, between Mr. Welch and Mr. Parr, thence through the lands of Mr. Goff, O. A. Thomas, O. Huchins, thence striking the section line between sections 28 and 29, thence running on said line south, to intersect the road running from Madison to Prairie du Sac; be and the same are hereby legalized, and that said road is hereby declared to be a lawful public highway.

Sec. 2. The Supervisors of said town are hereby authorized to strike out in the records of said road the figure 2 before 7, so as to make the records read section 7 instead of section 27.

Approved, April 2, 1853.

An Act to change the name of Francis Amelia Horton to that of Francis Amelia Noyes.

Chap. 235.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1. The name of Frances Amelia Horton, of the town of Byron, in the county of Fond du Lac, is hereby changed to that of Frances Amelia Noyes, and by the last mentioned name she shall be known and recognized.

Sec. 2. The said Frances Amelia Noyes shall be known as the adopted daughter and heir of Joseph Noyes and his wife Electa Noyes, of the said town of Byron, and entitled to all the rights and privileges, and subject to all the duties of inheritance, support and maintainance, as fully and effectually, and in the same manner as she might or should be, if she were the legitimate child of said Joseph Noyes and Electa Noyes.

Sec. 3. This act shall not take effect or be in force until the said Joseph Noyes shall irrevocably assent thereto in writing under his hand and seal, and record the same in the office of Register of Deeds, in and for the county of Fond du Lac.

Approved, April 2, 1853.

An Act to incorporate the Racine Female Collegiate Institute.

Chap. 236.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Constituted a
body politic.

Section 1. M. P. Kinney, Nathan Burnham, Peter B. Wheeler, Amaziah Stebbins, Nathan Joy, Isaac Taylor, James E. Lockwood, Sidney A. Sage, Orville W. Barnes, William H. Roe, Albert G. Knight and the President of the Collegiate Faculty for the time being, and their successors, shall be and they are hereby created and constituted a body politic and corporate, to be styled "The Racine Female Collegiate Institute," to remain in perpetual succession; the design and purpose of said corporation being to found, establish, and maintain in the town of Racine, Racine county, an Institution of science, literature and learning of the highest order, embracing an academic and preparatory department of instruction.

Trustees to
appoint a
president.

Sec. 2. There shall be thirteen trustees of said corporation, one of whom shall be chosen to act as president of the Board until a collegiate faculty shall have been duly chosen and organized as hereinafter provided, then the

president thereof shall be ex-officio the fourteenth trustee and president of the board.

Sec. 3. The board shall hold their first meeting in the town of Racine, within six months after the passage of this act, and a majority of its members shall in all cases constitute a quorum for the transaction of business. After thus organized, said board of trustees may open books for the purpose, and receive such subscriptions, donations, bequests and endowments as may be offered, and in such manner as they may deem necessary to carry out the objects of the institution.

First meeting
Board of trustees.

Sec. 4. The buildings of this institution shall be located on the south-east quarter of section number eight, town 3, Racine: *Provided*, a sufficient quantity of land be donated for such purpose.

Location of
buildings.

Sec. 5. The board of trustees shall have power in their corporate name, to sue and be sued, to plead and be impleaded, contract and be contracted with, and to have and use a common seal, which they may alter at pleasure, to acquire, hold, use and convey property, real, personal and mixed, and the same to sell, rent, lease or otherwise dispose of at pleasure, for the purpose of education, and no other; *Provided*, The amount of real estate owned by said corporation, shall at no time exceed ten thousand dollars, exclusive of the building and land used and occupied by said institution for school and collegiate purpose, to see that every donation, subscription and bequest made to the institution, be applied in conformity with the conditions on which the same was made; to make all necessary by-laws for the due order of their own affairs, and for the government of the institution; to fill all vacancies in their own bodies which may from time to time occur; to remove members of their own body for long continued neglect of duty; to confer such degrees and other honors upon those whom they may deem qualified and worthy to receive the same, as are usually conferred by similar institutions in the United States; to elect a president, who shall be chief executive officer of the institution and head of the collegiate faculty; to elect such professors, tutors, teachers and other officers as in their opinion the interests of the institution may demand; to define the duties of all officers thus elected, and on sufficient cause to suspend or remove them from office; to determine the amount of all salaries paid or to be paid by the institution; to regulate the course of instruction and prescribe the books, authorities and apparatus to be used in the various departments,

Powers of
trustees.

and to have such further general powers not herein specified, and not inconsistent with the letter and spirit of this act, as are granted to corporations, under the name of general provisions in chapter fifty-four of the Revised Statutes of this State.

Religious test. Sec. 6. No religious test shall ever be allowed in connection with this institution.

Meetings of board. Sec. 7. All meetings of the board shall be held in the town of Racine, at such time and place as a majority may deem proper.

Sec. 8. This act shall be liberally construed for the purposes therein contemplated, and may be altered or amended by any future legislature.

Sec. 9. This act shall take effect from and after its passage.

Approved, April 2, 1853.

An Act to authorize the maintenance of a Ferry across Fox River, in Marquette county.

Chap. 238.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Regulations.

Section 1. That Jerome Miner, his heirs and assigns, shall have the right to keep and maintain a ferry across the Fox River at some point on section three, in township number fifteen, north of range number eleven, east, in Marquette county.

Sec. 2. The ferry shall be subject to such regulations as other ferries are or may be by-law subject, and the proprietor thereof shall be entitled to receive for crossing the same as follows: for any vehicle drawn by one horse or mule, ten cents; for every vehicle drawn by two horses, oxen or mules, fifteen cents; each additional horse, ox or mule, five cents; for all animals in droves, one cent each. *Provided*, That hogs and sheep shall not be charged more than ten cents per score.

Sec. 3. This act shall take effect, from and after its passage.

Approved, April 2, 1853.

Chap. 239.

An Act to incorporate the Mount Pleasant and Ives' Grove Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Section 1. Julius Wooster, Wilson Reynolds, Roland Ives, Eli Warner, Daniel Rouk and William Boker, be

and they are hereby appointed commissioners, under the Commission-
direction of a majority of whom subscriptions may be re- ers.
ceived to the capital stock of the Mount Pleasant and Ives
Grove Plank Road Company, hereby incorporated, and
they may cause books to be opened at such times and
places as they may direct, for the purpose of receiving
subscriptions to the capital stock of said company, first,
giving thirty days notice of the time and places of taking
such subscription, by publishing the same in one or more
newspapers printed in Racine county.

Sec. 2. The capital stock of said company shall be Capital stock.
twenty thousand dollars, in shares of ten dollars each, and
as soon as one hundred shares of the capital stock shall be
subscribed, and five per cent of the amount thereof actual-
ly paid in or secured to the company, the subscribers to
said stock, with such other persons as shall thereafter as-
sociate with them for that purpose, their successors and
assigns, shall be, and they are hereby created and declared
a body corporate and politic, by the name and style of the
Mount Pleasant and Ives' Grove Plank Road Company,
with perpetual succession, and by that name shall be ca-
pable in law of purchasing, holding, selling, bargaining
and conveying estate, real, personal or mixed, and in their
corporate name, may sue and be sued, may have a com-
mon seal, which they may alter or renew at pleasure, and
generally may do all and singular the matters and things
which an incorporate company may by law do.

Sec. 3. The said commissioners, or a majority of them, Directors, how
after said five hundred shares of stock shall have been sub- and when
scribed as aforesaid, shall give at least twenty days notice elected.
in one or more newspapers of Racine county, of the time
and place of meeting of the stockholders, for the purpose
of electing seven directors, who shall hold their offices un-
til their successors are elected; and annually thereafter,
upon the anniversary of the first election, upon notice of
the place of meeting being given by the directors then in
being, being published in one or more of the newspapers
in the county aforesaid, to be designated by the said di-
rectors, the said stockholders shall meet to elect directors:
Provided, That until the first election of directors, the
said commissioners above named, upon the subscription
of five hundred shares of stock, and the organizing of said
commissioners by the election of, by them, one of their
number president, shall have all the powers and perform
all the duties of a board of directors of said company, and
the corporate existence of said company shall be taken

and held to have began and be completed as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors, or in the said board of commissioners, acting in the capacity of directors, the board shall have power to fill such vacancy.

Affairs managed by a board of directors.

Sec. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, in person or by proxies, duly authorized, and in all elections and in all discussions of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections where the seven persons having the greatest number of votes cast for directors, shall be declared duly elected.

Quorum.

Election of officers.

Sec. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for their respective trusts, and may remove said officers, and revoke the powers of said agent at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws, not inconsistent with the constitution and laws of the state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

Powers of directors.

Sec. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay installments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon, for failure to pay such instalments as may be called for, and also, to accept in behalf of the company, a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same valid releases, discharging them from all liabilities thereafter, on account of the acts of said company or its officers.

Sec. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts, in the name and under the seal of said company, with any per-

son or persons, as the execution and management of the work, and the convenience and interests of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she or they shall subscribe for; stating in the body of such certificate or certificates the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of the said company, and which certificate or certificates, shall be transferable in the manner prescribed by the by-laws of said company. May regulate tolls.

Sec. 8. The said company shall have power to locate and construct a single or double track plank road from a point on the Racine and Janesville plank road at or near Ives' Grove in the county of Racine, to a point on the Raymond and Racine plank road at or near Hood's farm in the town of Mount Pleasant in said county, by the most eligible and practicable route, as the Directors shall decide. The track of said road shall be constructed of plank, stone, gravel, charcoal, or either, in whole or in part, each at the option of the directors, so that the same, when completed, shall constitute a firm, regular and proper surface for the passage of wagons and carriages. Route and kind of road.

Sec. 9. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use such lands, not exceeding four rods in width, along the line of said route, subject however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road; the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees, on each side of such road as may endanger said road by falling or otherwise. May enter upon land.

Sec. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone or other material required for the construction of said road, for the purposes thereof, or for the compensation to be Compensation for land how fixed.

paid therefor, or when by the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made therein, and in any such case, it shall be lawful for any Justice of the Peace to issue a warrant directed to the Sheriff or any Constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said justice at some convenient place, at or near the property to be valued, on a day in said warrant named not less than five nor more than ten days from the date of said warrant: and if at the time and place named, any of the persons so summoned do not attend, the said Sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance, as jurors, to furnish a pannel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall, for him, her or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said Justice of the Peace shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment whereupon the said Justice and jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said Justice shall reduce to writing, which shall be signed by the said Justice of the Peace, and the verdict of the jurors thereon shall be signed by the jurors, or a majority of them, and by the Justice of the Peace; and the said Justice of the Peace shall, within five days thereafter, transmit the same to the Clerk of the District Court, of the proper county who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of the land in question, and the value thereof, as aforesaid, and such valuation, when paid, together with costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same, thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken, shall be used for the track

of said plank road; *Provided*, That it shall not be lawful Proviso
for any justice or jury of inquest to proceed in such valuation of any such property or material, in the absence of the owner or owners thereof, his, her or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days notice of the time and place of meeting, for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age, or non compos mentis, such service of notice may be made upon the guardian or trustee under the same restrictions as in the case of owners; or if there be no guardian or trustee, the same shall be established by affidavit; *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof; *Provided*, That any party conceiving himself aggrieved by any decision herein stated, may, in every such case appeal from such decision to the Circuit Court of the county in which the property in question is situated, as in ordinary cases of appeal.

Sec. 11. The directors shall have power in their discretion, to construct said plank road along or upon any road or highway, now or hereafter to be laid out, opened and established by the proper authorities, and of such width and in such manner as the said directors shall determine; *Provided*, They procure, by agreement with the Supervisors of any town, the right to take and use any part of any public highway in such town, for the construction of such proposed road, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such Supervisors therefor. Every such agreement with the Supervisors shall be in writing, and shall be filed in the town clerks office of the town; and such compensation and damages, when paid to the Supervisors, shall be expended by them in improving the highways of such town, and they may erect toll gates, and exact toll from persons traveling on their road, whenever five consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile, for every vehicle, sled, sleigh, carriage, drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, one cent per mile; for every horse and rider, or led animal, one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile: *Provided*, persons going Power of directors.
Rates of toll.

to and from military parade at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll. The toll gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate any animal or carriage subject to toll until the toll thereon is paid.

What may be
received in
lieu of money.

Sec. 12. The said directors may receive from any stockholder in said company in lieu of money for the stock subscribed by him, real or personal security, to the approval of said board of directors, and upon the acceptance of such security from said stockholders or any of them, the subscription of such stockholder shall be considered as paid, and certificate of stock shall be issued to said stockholder, in the same manner as if he had paid in the whole amount of his subscription in money; and it shall be competent for the said stockholders paying their subscriptions to said stock, in securities as aforesaid, to contract and pay to said company interest at the rate of twelve per centum per annum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages, or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof and be transferable by them or any of them in the same manner as if the same were made payable to individuals or to their order as assigns.

Penalty for in-
juring or ob-
structing road.

Sec. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road to be constructed by the said company, or any part thereof, or any work, building or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending, shall each of them for every such offence, be liable to civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either at the discretion of the court.

Penalty for
breaking
down gates.

Sec. 14. Any person who shall wilfully break down any gate on such road which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll shall with his team, carriage or animal, turn out of said road, or pass any gate thereon, or ground adjacent thereto and again return on said road, shall for each

offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages.

Sec. 15. The directors of said company at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same. May increase
Capital stock.

Sec. 16. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

Sec. 17. This act may be altered or amended by any future legislature of the State of Wisconsin.

Approved, April 2, 1853.

An Act to vacate the plat of the village of Cleveland in Marquette County.

Chap. 240.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the village plat of the village of Cleveland, situated in township number fifteen, north of range number ten east, in Marquette county, be, and the same is hereby vacated.

Sec. 2. This act shall take effect immediately.

Approved, April 2, 1853.

An Act to authorize the city of Sheboygan and certain towns to aid in the construction of a certain Plank Road.

Chap. 241.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the Common Council of the city of Sheboygan, and the Supervisors of any town through or into which a plank road may be located by any plank road company which may be hereafter organized and authorized Authority for
towns to sub-
scribe for
stock.

to construct a plank road running in a north-westerly direction from the city of Sheboygan, in the county of Sheboygan by and with the consent of a majority of the legal voters of such city or town, to be expressed as hereinafter provided, be and are hereby authorized and required to subscribe in the name and for the benefit of such city or town, to the capital stock of such plank road company, an amount not exceeding twenty thousand dollars for the city of Sheboygan, and not exceeding ten thousand dollars for any such town.

May borrow
money on
bonds.

Sec. 2. That the Common Council of said city and the Supervisors of such towns, for the purpose of paying the stock authorized to be subscribed for by this act, are hereby authorized to borrow the necessary amount of money for which they shall issue the bonds or obligations of said city and towns, in amounts not less than fifty dollars, which bonds or obligations shall be made negotiable, bearing interest payable annually at such place and at such rate not exceeding eight per cent per annum, as may be agreed upon, and such bonds or obligations may be made redeemable at such time as may be deemed expedient by said common council, or by said supervisors, or such bonds or obligations, or any part thereof, may be issued directly to said company in payment of said stock as said common council, or said supervisors, and the officers of said company may agree.

Faith of city
and towns
pledged for
payment.

Sec. 3. That the faith of said city of Sheboygan, and of any town subscribing for stock under this act, and the net profits or dividends upon the stock so subscribed by said city or town respectively, shall stand pledged for the payment of the indebtedness and interest which may become due from said city or town under this act, and it is moreover made the duty of the said common council of said city and of the supervisors of such towns so subscribing under this act, to add and levy such per centum of tax upon the assessment roll of all the taxable property in such city or town annually, in addition to the ordinary taxes of such city or town, to be collected as other city and town taxes, as shall be sufficient when added to the dividends or net profits aforesaid, to pay the accruing interest, expenses, discounts, or any losses springing out of the sale of said bonds or obligations, or in any manner arising under this act, and likewise to provide a sinking fund of such amount as they may deem expedient, and the money so levied, when collected like other taxes, shall be applied to the purposes aforesaid, and none other.

Sec. 4. That the common council of said city, and the supervisors of any town, so subscribing, by themselves or such agent or agents as they may appoint, shall have power to vote at all meetings of the stockholders of said plank road company, in proportion to the amount of stock owned by such city or town, and in all other respects to act in the business of said company as individual stockholders in the same may be authorized by law to do; and the said common council of said city, and the said supervisors, are hereby authorized whenever they may deem the same expedient, to sell and transfer any or all stock owned by said city or town, in said company, in order to pay off the indebtedness which may arise under this act, and the proceeds of such sale shall be applied to the extinguishment of an equivalent amount of the indebtedness of said city or town created under this act.

Right of voting in meetings of stockholders.

Sec. 5. That before any stock shall be subscribed by the common council of said city or by the supervisors of any of the towns aforesaid, to the said plank road company under the provisions of this act, the question shall be submitted to the qualified electors residing within the limits of said city or town respectively, in the manner following: that is to say, that on the written application to the supervisors of any such town, or to the common council of said city, of twenty or more qualified electors of said town or city, which application shall specify the amount of stock they advise said supervisors or said city council to subscribe to the capital stock of said company for the benefit of said town or city, it shall be the duty of the supervisors of such town, or of the common council of said city, to give notice as follows: by the said city council by publishing the same in all the newspapers printed and published in said city, for at least three weeks, once in each week, previous to the day specified in said notice for holding said election; and by the supervisors of any such town by posting up in five or more of the most public places in such town, at least ten days before the time specified in said notice for holding said election, a written or printed notice, which said notices in all cases shall set forth that on a certain day and at a certain place therein mentioned, an election will be held in such town or city, as the case may be, for the purpose of deciding whether the supervisors of said town or the common council of said city, as the case may be, shall subscribe in the name and for the benefit of said town or city, to the capital stock of said plank road company, the amount specified in said application, which

Questions submitted to a vote.

amount shall also be specified in said notice, and on the day and at the place or places specified in such notice, an election shall be had, and a vote taken, by ballot and such election if in the city of Sheboygan shall be held and conducted and the vote taken, canvassed and returned in all respects as provided in the city charter of said city for holding and conducting city elections, and if in any of the towns aforesaid, then said election shall be held and conducted, and the vote taken, canvassed and returned in all respects as provided for the holding and conducting town meetings, and each voter at any such, shall endorse on his ballot the words "for subscription" or "against subscription," and if it appears that a majority of the votes given at such election are in favor of such subscription, the same shall be made in the manner provided in this act, but not otherwise.

Posting of notices.

Sec. 6. That the said supervisors or one of them, shall make or cause to be made an affidavit or affidavits of the posting of the notices required in the foregoing section of this act, which affidavit or affidavits, together with the application in writing, also specified in the foregoing section, shall be then deposited in the office of the town clerk of their respective towns, and shall be recorded in his office; and the said city council shall cause an affidavit to be made by the publisher of each newspaper in which said notice shall be published, of the publishing of said notice as required in the foregoing section, which affidavit or affidavits, together with application also mentioned in said section, shall be, by the said city council, deposited in the office of the clerk of said city, and shall be recorded in the office of said clerk, and the said affidavits, and the said application, or certified copies of the same, or a certified transcript of the record of the same, shall be taken and received in all courts of this State as conclusive evidence to prove the facts set forth and contained in the same.

Majority may act.

Sec. 7. That any two of the supervisors of the towns aforesaid, or a majority of the said city council, may do or perform any act or thing which said supervisors or said city council are by this act authorized or required to perform.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

An Act to incorporate the Milwaukee, Fond du Lac, and Green Bay Railroad Company

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows : Chap. 242.

SECTION 1. Randall Wilcox, William McNaughton, Commission-
Curtis Reed, L. M. Miller, Isaac S. Tallmadge, W. Wight-
man, Charles Quintin, E. B. Dickerman, James Kneeland,
Herman Haertel, B. S. Weil, John M. Durand, James
Ludington, John Cummings, Charles H. Orton, W. W.
Brown, Samuel W. Beall, M. J. Thomas, E. Cramer,
John Nazro jr., A. Finch jr., Charles H. Wheeler, Alex-
ander Mitchell, D. C. Reed, Coles Bashford, E. D. Smith,
and J. B. Martin, are hereby created a body corporate
by the name, style, and description of the Milwaukee, Fond du Lac, and Green Bay Railroad Company, with
perpetual succession, and by that name shall be and are
hereby made capable in law to purchase, hold, enjoy, and
retain to them and their successors lands, tenements, her-
editaments, so far as may be necessary for the purpose of
constructing a railroad as hereinafter set forth, and the
same to lease, sell, grant, or in any manner dispose of, to
contract and be contracted with, to sue and be sued,
plead and be impleaded, answer and be answered, defend
and be defended, and also to make, have, and use a com-
mon seal and the same to alter or renew at pleasure, and
generally may do and perform all and singular the acts
and matters which to any corporation shall lawfully ap-
pertain to do and perform for the well being of said cor-
poration. Constituted a
body politic.

Sec. 2. The capital stock of said corporation shall be Capital stock,
two millions of dollars, and shall be divided into shares of
one hundred dollars each, and the above named persons
or a majority of them are hereby authorized to cause
books to be opened for receiving subscriptions to the cap-
ital stock of said corporation, and shall prescribe the form
of such subscriptions, which books shall be opened within
three months from the passage of this act, at such place or
places as they may deem expedient, by giving not less
than twenty days notice in a newspaper published in the
city of Milwaukee, and one in the county of Fond du Lac,
of the time and place of opening said books.

Sec. 3. So soon as one hundred thousand dollars or Notice to be
more of the capital stock of said corporation shall be sub- given.
scribed, and five dollars on each share paid thereon, the
above named corporators or a majority of them shall give
notice to the stockholders by publishing the same twenty

Directors how
elected.

days in the newspapers hereinbefore mentioned, of the time and place for holding a meeting of the subscribers or stockholders to choose directors for the said corporation, and the said stockholders may at such meeting proceed to elect not less than nine nor more than fifteen directors from the said stockholders, by ballot; each share of stock shall be entitled to one vote, and the corporators mentioned in the first section of this act, or such of them as are present at the said meeting, shall be inspectors of such election, and shall certify in writing what persons are elected directors, and shall appoint the time and place for holding the first meeting of the board of directors, at which meeting a majority shall form a quorum competent to transact the business of said company; and thereafter an election of directors shall be held annually at such time and place as the stockholders shall at their first meeting determine, and in case the stockholders shall fail to appoint the time and place of said meeting, then the board of directors may fix the time and place of said meeting, and shall give thirty days notice in a newspaper published in the city of Milwaukee of such meeting, and in case no election is held on the day appointed, the same may be held at another time, on notice as aforesaid, and until such election is held the directors of the preceding year shall continue to act until an election has been held and other directors elected in their stead: *Provided*, That in case of vacancy from the death, removal, or resignation of any director, such vacancy may be filled by a majority of the board of directors.

Affairs managed by board
of directors.

Sec. 4. The affairs of said company shall be managed by a board of not less than nine nor more than fifteen directors, who shall be chosen annually by ballot as herein prescribed, by the stockholders of said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their number President and one Vice President, who shall respectively serve for one year, or until other directors are elected.

Quorum.

Meetings of
directors.

Sec. 5. A majority of the board of directors shall be a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall decide upon; they may at any time increase or diminish the number to be elected at the next annual meeting of the stockholders, to a number not less than nine nor more than fifteen, and in case of such increase or diminution the number to be elected shall be specified in the notice of election. They shall elect by

ballot one of their own number to be President, who shall, when present, preside at all meetings of the directors and stockholders, and when absent the Vice President shall discharge the duties of President, and in case of the absence of the President and Vice President, the directors may appoint a President pro tem., who shall discharge the duties of President during the absence of President and Vice President; the said directors may appoint a Secretary, Treasurer, and such engineers, superintendents, agents, and other officers as they may find necessary, fix their compensation, and may demand adequate security for the performance of their respective duties and trusts, and may fill any vacancy which may occur in their own board; the directors shall have power to reopen the books for subscriptions to the capital stock of the company, or open new books under their own direction, or the direction of a majority of them, or under the direction of such person or persons as they may designate; they shall prescribe the time, manner, and proportions in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company the share or shares of any person failing to pay any instalment so required; *Provided*, That any instalment shall not be more than ten per cent of the stock subscribed, nor more than six instalments shall be made during any one year; to regulate tolls and charges for transportation of freight and passengers; to make such covenants, contracts and agreements with any person or persons, copartnerships or corporations whatsoever as the execution and management of the works, convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company for the leasing or purchasing the whole or any part of any railroad constructed or to be constructed by such railroad company; to make and establish such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all of the appropriations, receipts, disbursements, and all other affairs and proceedings of said company.

Officers how
elected.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the President and Secretary, and sealed with the common seal

Certificates of
stock.

of the company, subject however to all the payments due or to grow due thereon, which stock shall be transferable in such manner as shall be provided by the by-laws of the company.

Statement of
affairs.

Sec. 7. At each annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and doings of the company for such year. Special meetings of the stockholders may be called by order of the directors, or by stockholders holding one fourth of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting, but no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

Power to lo-
cate road.

Sec. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from such point in the city of Milwaukee to such point in the village of Green Bay, through the village of West Bend in Washington county, Fond du Lac, Oshkosh and Menasha, as shall be determined upon by the board of directors, and the said company shall have power to transport, take, and carry property and persons upon such road by any power and force whatever, and to make, construct and put in operation all such turnouts, side tracks, and connecting tracks as they shall think will promote the interests of the company, and to erect and construct all such depots, station houses, ware houses, car houses and shops, engine houses and shops, toll houses, machine shops, and all other fixtures useful for the accommodation of said road and of those using it; to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running said road, and they shall have power to connect the said railroad with any railroad or branch railroad in this State which it may intersect or come in contact, and to operate the same in connection with such other railroad or branch railroad, and to lease or purchase from any other railroad company the whole or any part of any railroad or branch railroad owned by such company, or to lease or to sell to any other company the whole or any part of the railroad to be built or owned by this company.

May borrow
money.

Sec. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sums of money from any person or persons, corporation or body politic, of any kind, and for any rate of interest

which may be agreed upon by and between said company and any person or party of whom such money may be obtained, any laws on the subject of usury in this State, or any other State where such transactions may be had to the contrary notwithstanding; and to make, execute, and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said corporation in consideration of any such loan or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road, and the powers of the said corporation for the purposes aforesaid and for all purposes necessary to carry out the object of said company are hereby ratified and confirmed, and the contracts and official acts of said company are declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

Sec. 10. If said corporation shall not within one year from the passage of this act commence the construction of said road, and finish the same within ten years, then the rights, privileges, and powers of said corporation under this act, as to that portion of the route over which said road shall not be built shall be null and void.

Commence-
ment and com-
pletion.

Sec. 11. It shall be lawful for said company, their officers, engineers, and agents to enter upon any land for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such land, not exceeding one hundred feet in width along the line of said road, subject however to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respectively, and said company are further authorized, by their officers, engineers, agents and servants, to enter upon land adjacent to the said road, beyond the limits of one hundred feet, in the manner provided in this act, when necessary for the purpose of erecting depot building, station houses, and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains and giving the proper directions to water courses, across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which

May enter up-
on lands for
purpose of ex-
ploring.

might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel, and stone taken from cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage, and all damages which shall be done to any lands or property under the provisions of this section shall be ascertained and paid for in the manner and agreeably to the provisions of this act, and when such damage shall have been paid or tendered, the title to the land occupied by such buildings, fixtures, excavations and embankments shall vest in fee simple in said company, agreeably to the provisions of this act; and it shall further be lawful for said company to purchase and hold in fee simple lands adjoining or adjacent to said road, for the purpose of procuring earth, gravel, or other materials for embankments and structures necessary to the construction and repair of said road and necessary buildings, and whenever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

Compensation
for land how
fixed.

Sec. 12. The said company shall have the right to enter upon any lands required for their use as provided in this act, and to survey and lay out said road not exceeding one hundred feet in width, and the said company shall, if possible, agree with the owner of said lands as to the amount of compensation to be paid for said lands, whether such persons shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same, and if the person or persons owning or possessing the legal or equitable title, lien or incumbrance, shall be a minor, non compos mentis, insane, or a married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman, and if said company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit: the said company shall select a disinterested arbitrator, and such owner, guardian or husband shall select another who shall be disinterested and not of kin to him, or if they should neglect or refuse for the space of three days after being notified by said company so to do, or if they be non-residents of this State, they shall be notified by mail, by letter signed the Secretary and addressed to their usual place of residence, or if their place of residence is unknown, then said company shall pub-

lish such notice for four weeks successively in some newspaper published in the county where the land is located, to select such arbitrators, and if they shall refuse or neglect for the space of sixty days after mailing such letter, then in all cases of neglect and refusal as aforesaid, the Judge of the Circuit Court of the county in which such land shall lie shall appoint three competent persons to act as arbitrators, who shall not be of kin to the claimant or in any manner interested in said company, and the said arbitrators, after being duly sworn, having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said company to such persons for the land so taken, and shall deliver a copy of their award in writing to each of the parties, and if the amount awarded by said arbitrators shall be more than said company shall have previously offered to pay, then said company shall pay all the expenses of said arbitration, and if it shall be less, then the other shall pay such costs, and either party may within ten days after receiving a copy of such award, appeal from the same to the Circuit Court of such county, by giving written notice of such appeal to one of the arbitrators, and upon receiving such notice of appeal it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said cause on its docket, setting down the claimant or claimants as plaintiff and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were by this act required to take into consideration, and the said court shall thereupon proceed to render judgment in favor of such complainant against said company, and if the damages so found for such claimant shall exceed the amount so found by said arbitrators, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said arbitrators, then judgment shall be rendered in favor of said company for costs and against said claimant, and when such compensation so to be ascertained according to the provisions of this act shall be paid or tendered to the party entitled to the same, the title to said land shall vest in said company in fee simple, and a copy of such award or judgment, filed in the office of the Register of Deeds of the county in which the lands lie, shall be sufficient evidence of such

title, and the said company shall have full power and authority pending all such proceedings, and until they shall refuse to pay the compensation ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possession of said lands for all the lawful purposes of said corporation, and they shall not, while such proceedings shall be pending or until such refusal, be disturbed in such possession, use, occupancy and enjoyment by any proceeding, either at law or equity.

Shall fence
road.

Sec. 13. The said company, before opening their road through enclosed ground, shall erect such fencing as shall preserve such enclosure entire, and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of their road through all such enclosed ground, and shall maintain the same.

May receive
money for
passage or
freight.

Sec. 14. On the completion of said railroad, or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for the passage and freight of persons and property as they shall from time to time think reasonable.

May connect
with other
roads.

Sec. 15. The said company shall have power to connect said railroad and operate the same with other railroads in the State of Wisconsin, and consolidate the capital stock of said company with the capital stock of any railroad company with which the roads of said companies shall intersect, within the State, and shall have full power to place the road of the company and its capital stock so consolidated, under the direction of a joint board of directors, of not less than nine nor more than fifteen, to be chosen as the directors of the companies consolidating their capital stock shall direct and agree upon.

Shall make
passage over
or under road.

Sec. 16. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company, when required, to make a good and sufficient passage over or under said railroad whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts, and implements of husbandry as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passage-way for each farm, and when any public road shall cross said railroad in any farm, the person owning or possessing such farm shall not be entitled to require said company to make any additional passage-way, and that said company shall have the right and authority to construct the

said railroad upon and along, across, over or under any public or private highway, road, street or railroad, and over any stream of water or water course, if the same shall be necessary: *Provided*, Said company shall restore such highway, road, street, or railroad, stream of water or water course, to its former state, or in a sufficient manner not to impair the usefulness of said highway, road, street, railroad, stream of water, or water course, to the owner or the public.

Sec. 17. Any person who shall wilfully and maliciously place any obstructions or thing upon the track of said road or shall remove or damage any part thereof in such a manner that the engine or cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the State Prison for a term not less than one nor more than five years, at the discretion of the court; and in case any damage shall result from the placing of such obstructions or injury to said road, said party shall be liable to pay all such damage to said company and to any other person damaged or injured thereby, and in case any accident shall happen in consequence of placing such obstruction, or injury to said road, said party shall be liable to pay all such damage to said company and to any other person damaged or injured thereby, and in case any accident shall happen in consequence of breaking or injuring said road whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the law in such case made and provided.

Penalty for obstructing road.

Sec. 18. The said company shall have power to erect such bridges over Fox river as said company may deem proper for the use of said road: *Provided*, That in all such bridges there shall be a draw of at least sixty feet in length, which shall be open at all times when necessary for the passage of boats and rafts, except when the cars are crossing said bridges.

Sec. 19. This act shall be construed favorably to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State of Wisconsin shall be received as evidence thereof.

Sec. 20. In case the said company shall locate the line of their railroad on any lands other than school lands belonging to the State, the said lands, to the extent of one

hundred feet in width along the line of said road, are hereby granted to said company so long as the same may be used for the purpose of said road, together with such other lands adjacent to said railroad, beyond the limits of said one hundred feet, as shall be necessary for the purpose of erecting depot houses, buildings, station houses, and necessary fixtures, or of obtaining earth, gravel, or other material for such embankments and structures necessary to the construction and repairs of said road.

May increase
capital stock.

Sec. 21. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said railroad.

Sec. 22. This act shall be in force from and after its passage.

Approved April 2, 1853.

An Act relating to county officers of Washington county.

Chap. 243. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That the chairman of the board of supervisors who may be elected in and for the towns in the county of Washington, in this State, at the election provided by law, to be held for town officers, on the first Tuesday in April, 1853, shall, on the second Tuesday in May following, meet at West Bend, in said county, as a county board of Supervisors, for the purpose of transacting such business as they may lawfully do, and particularly for the purpose of receiving and approving the bonds of such county officers as may then be elected, and who are required by law to give official bonds, to be approved by the county board of supervisors.

Sec. 2. The clerk of the board of Supervisors of Washington county, is hereby authorized to discharge the general duties of said office required by law, and shall be entitled to the possession of all the books, papers and records belonging to said office, now in the county of Ozaukee.

Sec. 3. The clerk of the circuit court of Washington county, is hereby authorized to take immediate possession

of all the books, papers and records of the circuit court of Washington county, and all other books, papers and records, belonging to said office, now in the county of Ozaukee.

Sec. 4. This act shall take effect from and after its passage.

Approved, April 2, 1853.

An Act authorizing the city of Milwaukee to loan its credit in aid of certain Railroads.

Chap. 244.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Common Council of the city of Milwaukee are hereby authorized to loan the credit of said city, by issuing its bonds to aid in the construction of certain Railroads, leading from the said city, and particularly to the Green Bay, Milwaukee and Chicago Railroad Company, the Milwaukee and Fond du Lac Railroad Company, and the LaCrosse and Milwaukee Railroad Company, companies duly incorporated and organized.

Authority to loan the credit of the city.

Provided, That there shall not be loaned to either of the said companies an amount exceeding two hundred thousand dollars, nor in the aggregate an amount exceeding six hundred thousand dollars, and *provided* further, that no portion of the bonds issued in pursuance of this act, shall be issued or delivered, except upon the terms and conditions, and in the manner prescribed by this act.

Sec. 2. Every bond authorized by this act shall be for a term not less than ten nor more than twenty years, for a rate of interest not exceeding seven per cent. per annum, payable semi-annually, both interest and principal payable in the city of New York, and shall be signed by the Mayor of said city, and countersigned by the Clerk of the said Common Council, under the corporate seal of said city.

Bonds, nature of.

Sec. 3. Before the issue to any such Railroad Company of any bonds mentioned in the first and second sections of this act, such Railroad Company, shall execute to the Treasurer of the said city, for the use and benefit thereof, the bond of such company, under the authority of its board of directors, signed by their President and countersigned by their Secretary, under the corporate seal of said

Shall execute bond to treasurer.

company, in a penal sum, at least double the amount of the par value of the bonds proposed to be issued to such company, with the condition and covenants, that such company shall punctually pay and discharge the principal and interest monies of such bonds as they shall severally become due, and shall also fully indemnify and save harmless the said city against all payments, liabilities, losses, damages and expenses, which it may incur or sustain in consequence of the issue and delivery of such bonds or any portion thereof.

Also mortgage.

Sec. 4. To secure the performance of the covenants and conditions of the bond mentioned in the preceding section; such company shall at the same time execute and deliver to the treasurer of the said city, for the use and benefit thereof, a mortgage executed in due form of law, of the first section or division of the Railroad of the said railroad company, next to the city of Milwaukee, in length not less than twenty miles and not exceeding sixty miles, which mortgage shall convey such portion of such railroad, its equipments, real estate, buildings, personal property and franchises, as well that thereafter to be acquired and constructed as that already acquired or constructed, and shall contain therein covenants of warranty of the title thereto, and shall be the first mortgage or lien upon said property, subject only to a first and prior mortgage of the same property, for a sum not exceeding ten thousand dollars per mile, for every mile of road embraced therein, to be ascertained by dividing the aggregate amount of the par value of the bonds secured by such prior mortgage by the number of miles of the road embraced in the same.

Duty of council before issuing bonds.

Sec. 5. It shall be the duty of the said common council, and they are hereby authorized to require and receive from any such railroad company, before the issue and delivery of any of the bonds mentioned in the first and second sections of this act, such further and additional security or securities, either personal or real, as may in the judgment of the common council be requisite to fully secure and indemnify said city against all liabilities on the bonds proposed to be issued to such railroad company, and in case of the default or neglect of any such railroad company to pay the whole or any part of the principal or interest monies of the bonds issued to such company, the said common council shall have the power to collect or foreclose the bond and mortgage executed by such company to said city, and also to collect, sell or dispose of all and every security received from such company, and ap-

ply the proceeds thereof in payment of the interest or principal of such bonds, and said common council may from time to time surrender, release and discharge all and every such additional security, and receive such other securities in lieu thereof, as in the judgment of the said common council may be safe and proper.

The common council shall not in the same ordinance or resolution, nor at the same meeting, authorize the issue or delivery of any of its bonds to other than said railroad company, nor shall any ordinance or proposition providing for the issue or delivery of such bonds, be submitted to the voters of said city for their approval, within fifteen days after any other ordinance or proposition providing for the issue or delivery of and bonds to the same or any other railroad company, shall have been submitted.

Sec. 6. No bonds shall be delivered to any railroad company until at least ten miles of that portion of road mortgaged to the said city, by such company, to secure the payment of such bonds, shall have been constructed by such company, nor thereafter shall they be delivered faster than the work of construction of such portion of said road shall progress, nor shall there at any time have been delivered to such company more than five thousand dollars in value of bonds for every mile of such portion of road constructed, but such bonds may issue, *Provided*, other equivalent securities shall be furnished therefor or in lieu thereof.

Ten miles of road must be constructed before issue of bonds.

Sec. 7. The faith of the city of Milwaukee is hereby irrevocably pledged for the full and punctual payment of the principal and interest of every such bond which shall be issued in pursuance of this act, and the common council of said city shall have the power to provide for the payment of the whole or any part of said principal and interest, and it shall be their duty to provide for the payment of any portion thereof, which shall not be paid or provided for by any railroad company, by levying and collecting from time to time, such special tax or taxes on the real and personal property in said city liable to city taxes, as may be sufficient to pay and discharge the same, which taxes shall be levied and collected in the same manner as other city taxes.

Faith of city pledged.

Sec. 8. Before the issue or delivery of any bonds to any railroad company in pursuance of this act, the ordinance providing for such issue or delivery, shall be submitted to and approved by the voters of the city of Milwaukee, at an election for that purpose to be called by the

Question to be submitted to the voters of the city.

common council of said city, of which at least two weeks notice shall be given by publishing the same, together with a copy of such ordinance, in three daily newspapers published in said city, such election shall be held at the usual places of holding city elections, and shall be conducted and the notes returned and canvassed in the same manner as at other city elections; the votes at such election shall be by ballot, on which shall be written or printed the words "for the railroad ordinance" or the words "against the railroad ordinance," and if a majority of the whole number of votes cast at such election shall be "for the railroad ordinance," then the bonds whose issue or delivery shall be provided for in such ordinance, may be issued and delivered, and not otherwise.

Approved, April 2, 1853.

Chap. 244.

An Act authorizing Edmond Johnson to establish a Ferry across Lake St Croix.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Location of
ferry.

SECTION 1. That Edmond Johnson, his heirs, administrators executors, or assigns, shall have the right and privilege for the period of ten years, of keeping and maintaining a Ferry across Lake St. Croix, from a point at or near Negro Cooley (so called) in section twelve (12,) Township twenty-nine (29) north of Range twenty west, to the Minnesota shore, near the mill now owned by Nelson, Carlton & Company.

Boats to be
kept in good
repair.

Sec. 2. Said Edmond Johnson shall at all times keep good boats in good repair, sufficient for the accommodation of all persons wishing to cross at said Ferry, and shall give prompt and ready attendance on passengers or teams, on all occasions, and at all times, both at night or day but persons crossing said Ferry after nine o'clock at night, may be charged double the fare hereinafter prescribed.

Rates of toll.

Sec. 3. The rates charged for crossing at said Ferry, shall not exceed the following : For each foot passenger, ten cents ; for each horse or mule, with, or without rider, twenty-five cents ; for each two-horse, two-ox, or two-mule team, loaded or unloaded, with driver, seventy-five cents ; for each single horse carriage, with not exceeding

two persons, fifty cents, for each swine or sheep, four cents. All freight of lumber, merchandize, or other articles not in teams, at the rate of ten cents per barrel, fifty cents per thousand feet of lumber, and five cents per one hundred pounds for all other articles.

Sec. 4. The said Edmond Johnson, shall, within six months after the passage of this act, file or cause to be filed, with the clerk of the board of supervisors, of St. Croix county, a bond to the said board, with two or more good and sufficient sureties, to be approved by said board, in the penal sum of one thousand dollars, conditioned that he will fulfil all the duties that are imposed upon him by this act, and in case of his failure so to do, he shall forfeit all the benefits that might have accrued to him by the passage of this act. Shall give bond.

Sec. 5. For any neglect in good and sufficient boats, or failure to give prompt and due attendance upon said Ferry, the said Edmond Johnson shall forfeit a sum not exceeding twenty dollars, to be recovered by an action of debt, before any court having competent jurisdiction, and shall be further liable in an action on the case, for all damages any person may sustain by reason of the failure of said Edmond Johnson, to fulfil any of the duties imposed upon him by this act. Penalty for keeping bad boats, &c.

Sec. 6. Any person who shall sustain any injury by the negligence or default of said Johnson or of the ferry-men in his employ, may have a remedy by an action on the bond required by this act.

Sec. 7. The Legislature may at any time, alter, amend, or repeal this act.

Approved, April 2, 1833.

An Act to provide for laying out a State road from the junction in Portage Co., to Black river falls in the county of Jackson.

Chap. 246.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That John H. Compton, William Roe and John B. Lavigne, are hereby appointed commissioners to lay out a State Road, commencing at or near the junction in Portage county, and running from thence by way of the Grand Rapids in said county to Black river falls, in the county of Jackson.

Sec. 2. It shall be competent for a majority of said commissioners to proceed and lay out said road, but the State shall not be accountable for any services rendered therein.

Sec. 3. This act shall take effect from and after its publication

Approved, April 2, 1853.

Chap. 247.

An Act to authorize George Neaves and William Roe to keep and maintain a dam across the Wisconsin river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That George Neaves, and William Roe, their associates and their heirs and assigns, are hereby authorized and empowered to keep and maintain a dam across the Wisconsin river, at Grand Rapids in Portage county, opposite section eighteen, in township twenty-two Range six, east of the fourth principal meridian, for hydraulic purposes, and they are hereby empowered to have the same, or any portion of the said water power, if they shall deem proper: *Provided*, That the said dam shall always be provided with suitable slides and chutes, so as to admit the passage of boats and rafts down said stream.

Sec. 2. Any future legislature may alter or repeal said act.

Sec. 3. This act shall take effect from and after its passage.

Approved April 2, 1853.

Chap. 248.

An Act to incorporate the Fond du Lac and Mississippi Rail Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Henry Conklin, Timothy L. Gillett, John C. Trusdale, Jas. M. Gillett, Benjamin F. Moore, Mason C. Darling, Isaac S. Talmage, John Banister, Francis D. McCarty, A. G. Butler, Chas. A. Eldridge, of the city of Fond du Lac, Bertine Pinkney of Rosendale, G. N. Lyman, E. I. Northrop of Ripon, Ezra Wheeler, Alexander W. Hackley of Berlin, G. W. Cate of Plover, H. S.

Commission-
ers.

Allen of Chippewa Falls, and Benjamin Allen of Hudson, St. Croix county, shall be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Fond du Lac and Mississippi rail road. And they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of such times and places, by publishing the same, in one newspaper in the city of Fond du Lac.

Sec. 2. The capital stock of said company shall be Capital stock.
two millions of dollars, in shares of one hundred dollars each, and as soon as three hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of the Fond du Lac and Mississippi Railroad Company, with perpetual succession, and by that name, shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, real and personal and mixed, so far as the same may be necessary for the purposes hereinafter mentioned. And in their corporate name may sue and be sued, plead and be impleaded, may have a common seal, and may alter the same at pleasure, and generally may do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation.

Sec. 3. The said commissioners, or a majority of them, Directors how elected.
after the said three hundred shares of such stock shall have been subscribed as aforesaid, shall give, at least, thirty days notice a the newspaper hereinbefore mentioned, of the time and place by them appointed for subscribers or stockholders to meet for the purpose of electing seven directors, and annually thereafter the said stockholders shall meet on the first Wednesday of January, for the purpose of electing directors as aforesaid, upon like previous notice as aforesaid: *Provided*, That previous to the first election, the Proviso.
commissioners hereinbefore named, shall elect one of their number president, and they shall perform all the duties, and to be invested with all the powers of directors; and provided, that if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time, on notice as aforesaid; that un-

til such election, the directors of the preceding year shall continue to act, and that this charter shall not be avoided by reason of the irregularity or want of such election. And *Provided*, also, That in case of vacancy from the death, removal, or resignation of any director, his place may be filled by a majority of the board of directors.

Affairs managed by board of directors.

Sec. 4. The affairs of said corporation shall be managed by a board of seven directors, who shall be chosen annually by ballot, on the days hereinbefore prescribed, by the stockholders of said company, the votes to be delivered in person or by proxy duly authorized, which directors shall appoint one of their own number to be President, and shall respectively serve one year, or until other directors are elected; they shall have power to make and establish such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this State, as may be necessary for the well ordering the affairs of said company.

Who elected directors.

Sec. 5. None but Stockholders shall be elected directors, and at every election, and in all cases where stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, and in all cases of elections of directors, those seven stockholders having the highest number of votes shall be declared duly elected.

Quorum.

Sec. 6. The said directors shall meet at such times and places, and be convened in such manner as they may hereafter decide upon. A majority of said directors shall be a quorum for the transaction of business, who in the absence of the president, shall appoint a president pro tem. The said directors shall appoint a Treasurer, a Secretary, and such engineers, and other officers as they may find necessary, and they shall have power to fix the compensation of all officers and agents, and may demand adequate security for the performance of their respective trusts; they shall decide the time, manner, and proportion in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company the share or shares of any person failing to pay any instalment so required, at a reasonable period, not less than sixty days after the time by them appointed for the payment thereof; they shall have full power to regulate tolls, to make such contracts, covenants and agreements with any person, copartnerships or body politic whatsoever, as the construction and management of the works, and the convenience and interests of the company may require; and in general to superintend and direct

Powers of directors.

all of the operations, receipts, disbursements, and all other proceedings of said company: *Provided*, That no instalment, called in at any one time, shall exceed twelve dollars per share, and that instalments shall not be called for by the directors without giving at least, thirty days notice thereof, in a newspaper hereinbefore named.

Sec. 7. The directors chosen, as aforesaid, shall issue a certificate to each stockholder for the number of shares he or she may subscribe for or hold in said corporation, signed by the President and countersigned by the Secretary, and sealed with the common seal, subject however, to all the payments due or to become due thereon, which stock shall be transferable in person, or by attorney, executors, administrators, guardians or trustees, under such regulations as may be provided for in the by-laws of the company.

Certificates of stock.

Sec. 8. At each annual meeting of the stockholders for the purpose of electing directors, the directors of the preceding year shall exhibit to them a complete statement of the affairs and doings of the company for such year, and special meetings of the stockholders may be called by order of the directors, or by stockholders holding one fourth of the capital stock, on like notice as that required for annual meetings, specifying moreover the object of such meetings, but no business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

Statement of affairs.

Sec. 9. The said company shall have power to locate and construct a single or double track railroad, from the city of Fond du Lac, through the village of Ripon and village of Berlin, and township number 23 or 24, north of range number 8, east, and the village of Chippewa Falls, to the town of Hudson, on Lake St. Croix, and to the Mississippi, and shall have the power to transport, take, and carry property and persons upon the same, by power of force and steam, of animals, or by any mechanical or other power, or by any combination of them, and they shall also have power to make, construct and erect, all such side tracks, turnouts, and connecting tracks, and also such ware houses, toll houses, machine shops, carriages, cars, and other works and appendages as may be necessary for the convenience of the company, for the use of said railroad, and also to connect said railroad, and operate the same with any other railroads or branch railroads in the State of Wisconsin, and consolidate the capital stock of said company, with the capital stock of any railroad company,

Route and kind of road.

with which the roads of said company shall intersect or connect, and shall have full power to place the road of this company, and its capital stock so consolidated, under the direction of a joint board of directors, to be chosen on such terms as the directors of the company consolidating their capital stock, shall agree upon.

Time for completion. Sec. 10. If said corporation shall not within fifteen years from the passage of this act complete the construction of said railroad, then the rights, privileges, and powers of said corporation under this act, shall be void.

May enter upon land. Sec. 11. It shall be lawful for said company, their officers, engineers, and agents to enter upon any land for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such land, not exceeding one hundred and thirty feet in width along the line of said route subject however to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed and provided in such cases respectively, and said company are further authorized, by their officers, engineers, agents and servants, to enter upon land adjacent to the road, beyond the limits of one hundred and thirty feet, in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains and giving proper directions to water courses, across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel, and stone taken from cuts, and to obtain earth, gravel, stone and materials for embankments and structures necessary to the construction and repairing of said road, doing however no unnecessary damage, and all damages which shall be done to any lands or property under the provisions of this section shall be ascertained and paid for in the manner and agreeably to the provisions hereinafter provided: and when such damage shall have been paid for or tendered, the title of the land occupied by such fixtures, excavations and embankments shall vest in said company, for the purposes aforesaid.

Sec. 12. When said corporation cannot agree with the owner or owners of such required land, for the purchase thereof, or as to the compensation to be paid there for, or when by reason of the legal incapacity or absence of any such owner or owners, no such agreement or purchase can be made, then and in that case it shall be lawful for any Judge of the Supreme Court of this State, on application of the said company, and at the cost and charges of the said company, to appoint three disinterested persons, residing in the counties through which the said road runs, to view and examine the lands so taken with the buildings and improvements if any thereon, and to estimate the value of the land so taken or required by the said company, and all damages which the owner or owners thereof shall sustain, or may have sustained by reason of the taking of the same for the construction and use of the said road, or work appertaining thereto, and it shall be the duty of the said company to give three weeks notice of their application to the Judge of the Supreme Court, for the appointment of the said commissioners, to be published for three successive weeks in a newspaper published at the capitol of this state, and also in a newspaper, if there shall be any published, in each of the counties through which said road may be located, and the affidavit of the publisher or printer shall be legal evidence of such publication. And the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some Justice of the Peace, or other person competent by law to administer oaths faithfully and according to the best of their abilities, to examine the land so taken or required by said company, and impartially to estimate and appraise the value of the same and the damages or injury which the owner or owners thereof, shall have sustained or may sustain by reason of the taking thereof by the said company, whereupon, such commissioners shall proceed to examine the premises, and estimate the value of such land, and the amount of damages, if any, which may accrue to such owner or owners as aforesaid, and shall make a report in writing of such valuation, under their hands and seal, to the circuit court of the county where the land lies, and shall return the same within thirty days after their appointment, to the clerk of the circuit court of the county in which they reside, and it shall be the duty of the clerk of said court to file the same, and in case no appeal shall be made within thirty days, after the filing of said report, as hereinafter provided, then the said

When corporation and owners cannot agree.

Notice given.

clerk shall record the same at the expense of the company, and judgment of the said court shall be entered thereon, on motion of either party, at any term of said court :

Provided, That either party may appeal to said court within thirty days after said report shall have been filed in the said clerk's office, and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empanuelled to try the same, shall find the value of the land so taken, or required by the said company, and the damages which the owner or owners thereof shall have sustained, or may sustain by the taking of the same, to such owner or owners, for the construction of such railroad, and the judgment of court shall be entered accordingly: *Provided*, Also, that it shall not be lawful for the said commissioners, or said court, to proceed in the assessment of damages, or in the valuation of any lands or materials, as aforesaid, in the absence of the owner or owners thereof, his, her, or their agents, or attorneys, unless it shall be shown to them, by competent testimony, that the said owner or owners have had at least five days notice, of the time and place at which such assessment or valuation was to be made, or that the said owner or owners shall be minors, or non-compos mentis, or absent from the State, the service of notice may be made on the guardian, or trustee if there be any, or in any such manner as the court may direct. *Provided*, also, that upon the making and filing of any report, as aforesaid, and payment, or legal tender of the amount of any valuation, or appraisal specified therein, to the owner or owners of such lands, his, her, or their legal representative, of said company, their agents, or the contractors, for making or repairing said railroad, may immediately take and use the same, without waiting the issue of any appeal brought thereon.

When money shall be tendered on a judgment.

Sec. 13. When any judgment shall have been entered as hereinbefore provided, for the value of any lands or for any damages for taking and using of the same, and the amount specified in such judgment shall have been paid, or tendered to the owner or owners of such lands, his, her or their legal representatives, the said company shall be entitled to the estate and interest in the same as fully as if it had been conveyed in fee simple, and if such valuation be not received when tendered, it may at any time thereafter be received or may be collected from said company by action at law at the cost and expenses of the person or persons entitled to the same: *Provided*, That the

costs of any proceedings and judgments specified in the last preceding section shall be taxed by the court, and paid by said company, except in cases where upon appeal the verdict of the jury shall be for the same or less sum than that reported by the said commissioners.

Sec. 14. The said railroad shall be so constructed as Shall not obstruct high-ways. not to impede or obstruct the free use and passage of any highway, public road or roads which may cross the same, and in all places where such railroad may cross or in any way interfere with any public road, it shall be the duty of said company to make or cause to be made a sufficient causeway or passage-way to enable all persons traveling such public road to pass over or under such railroad without inconvenience: *Provided*, That in cases where said railroad may cross or come in contact with any public or private road, so as to occupy any part of such road, it shall be lawful for the said company to construct said railroad across or upon said road, after altering and putting the same in as good condition as before, and for that purpose the said company shall, previous to occupying any part of such road, construct a new road in part or in whole, as may be necessary, on grounds adjacent to such road, and in every respect complete such newly constructed road or part of a road so interfered with as substantially as it was previous to the discomberance and occupancy therefor by said company.

Sec. 15. For the convenience of persons owning or possessing lands through which said railroad shall pass, it shall be the duty of said company, when required, to make Shall make passage over and under highway. a good and sufficient passage over or under said railroad whenever the same may be necessary to enable the occupants of said lands to pass over or under the same with wagons, carts, and implements of husbandry as occasion may require: *Provided*, That said company shall in no case be required to make more than one such passage-way for each farm, and when any public road shall pass or cross said railroad on any farm, the person owning or possessing such farm shall not be entitled to require said company to make additional causeways.

Sec. 16. This act shall be construed favorably to effect the purposes hereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State of Wisconsin shall be received as evidence thereof. Public act.

Sec. 17. Any person who shall wilfully and maliciously place any obstructions or thing upon the track of said road

Penalty for injuring or obstructing road.

or shall remove or damage any part thereof in such a manner that the engine and cars may be impeded or thrown off the track, shall be guilty of a misdemeanor, whether such result shall happen or not, and shall be punished for every such offence by imprisonment in the State Prison for the term of not less than one nor more than five years, at the discretion of the court; and in case any damage shall result from the placing of such obstructions or injury to said road, said party shall be liable to pay such damage to said company and to any other person damaged or injured thereby, and in case any accident shall happen in consequence of placing such obstruction, or in consequence of breaking or injuring said road whereby death may be produced, the party so offending shall be adjudged guilty of murder in the first degree, and shall be punished agreeably to the laws in such case made and provided.

May borrow money.

Sec. 18. The said railroad company are hereby authorized and fully empowered, in their corporate name and capacity, to borrow any sum or sums of money from any persons, corporations, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money shall be obtained, and make and execute in their corporate name all necessary writings, notes, drafts, bonds, or other papers, and make, execute and deliver such securities in amount and kind as may be deemed expedient by said corporation, any law on the subject of usury in this State or any other State where such transaction may be made to the contrary notwithstanding; and the powers of said corporation for the purposes aforesaid, and for all purposes necessary to carrying out the object of the said company, namely, the construction of a railroad from the city of Fond du Lac, in the county of Fond du Lac, to the Mississippi river; and the contracts and official acts of said company are hereby declared binding in law and equity upon said company or corporation and all other parties to said contracts.

May purchase lands for gravel &c.

Sec. 19. This act shall be in force from and after its passage, and it shall be lawful for said company to purchase lands adjoining or adjacent to said railroad, for the purpose of procuring earth, gravel, stone or other materials for the constuction and repairs of said road, or buildings and fixtures connected therewith, and whenever such lands shall no longer be needed for the purposes aforesaid, the said company are hereby authorized to sell and convey the same.

Sec. 20. In case there shall be incumbrances upon the said lands, taken as herein before provided, it shall be sufficient for the said company, to deposit the amount of the damages assessed as hereinbefore provided, with the clerk of the circuit court of the county where the land lies to be paid over by the said clerk to the said owner of the said land, or his lawfully authorized agent, upon the removal of the said incumbrances. In case of incumbrance on land.

Sec. 21. The corporation hereby created, shall have power to enter upon, and use any railroad, with which this road may intersect for all purposes for which such roads are ordinarily used upon such terms as the several corporations, owning such roads can agree, and if they cannot agree, then upon such terms as shall be fixed upon by the commissioners, to be appointed by the Supreme court, upon the application of either party, and upon such notice, and in such manner as said court shall direct. The rail road, hereby authorized to be built, shall be subject to be entered upon and used by all other roads, under the provisions and liabilities of this section. May connect with other roads.

Sec. 22. The government of the United States, shall have the right to require the corporation hereby created, to transport over said road, all mails at such rate as may be agreed upon by said government and said corporation, and in case of disagreement, the terms of said transportation shall be fixed in the same manner as is provided in section twenty one for the disagreement therein specified. May be required to carry mail.

Sec. 23. Whenever it shall be necessary for the construction of said rail road, to intersect or cross, or run along by any stream of water, or watercourse, or road or highway lying on the route of said rail road, it shall and may be lawful for the company to construct their rail road across, or along by or upon the same; *Provided*, That the company shall restore the stream or water course, road or highway to its usefulness so far as it can be conveniently done.

Sec. 24. Before the said company shall commence using their road as a rail road, they shall erect a good and sufficient fence on both sides of the same, through all enclosed grounds, and shall maintain the same.

Approved, April 2, 1853.

An Act for the relief of Calvin A. Loomis.

Chap. 249. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Commissioners of School and University Lands are hereby authorized and required to sell and execute a certificate of sale, in the usual form, of lots No. three and four of section sixteen, in township No. fifteen north of range No. ten east, to Calvin A. Loomis, his heirs or assigns, for the sum of one dollar and twenty-five cents per acre, on the same terms and conditions as other school lands are sold: *Provided*, That said Loomis, his heirs or assigns, shall make application to purchase the same on or before the first day of September next.

Sec. 2. This act shall take effect immediately.

Approved April 2, 1853.

Chap. 250.

An Act for laying out a State Road therein named.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. S. S. Torbut, Vincent Roberts, and Logan Crawford be and are hereby appointed commissioners to lay out and establish a State road, commencing at the village of Iron Ridge, in the county of Dodge, thence running on the most practicable route to the village of Hartford, in the county of Washington: *Provided*, That no part of the expense of laying out said road shall be paid out of the State treasury.

Approved, April 2, 1853.

Chap. 251.

An Act to provide for laying out a State Road from Grand Marsh House, in Adams County, to the junction in Portage County.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Edwin Phelps, F. M. Vincent, and Haggabome, are appointed commissioners to lay out a State road, commencing from the Grand Marsh House, in the county of Adams, thence to J. L. Harris' Tavern, in the same county, from thence to Pilot Knobb in said county; from thence to John Drake's Tavern in Waushara county; from thence by the Wm. Sylvesters Tavern, and Mr. Waterman's farm, to the road leading from Packwaukee to Plover, at or near the Tavern kept by C. D. McCauley, at the junction in Portage county.

Sec. 2. It shall be lawful for a majority of said commissioners to lay out said road, but no part of the the expenses of the same shall be paid out of the State Treasury. State pay no expenses.

Sec. 3. Each county through which said road shall pass, shall be liable for its proportion of the expenses in laying out said road, which said expenses shall be in proportion to each county, to the length of road laid out therein. County liable.

Sec. 4. This act shall take effect and be in force from and after its publication.

Approved, April 2, 1853.

An Act to authorize George Neaves and William Roe to keep and maintain a Ferry across the Wisconsin river.

Chap. 252.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. George Neaves, William Roe, their heirs and assigns, shall have the exclusive right and privilege, for the period of ten years, of keeping and maintaining a ferry across the Wisconsin river, on sections 17, and 18, township 22, range 6, east, at Grand Rapids in Portage county, and no other ferry shall be licensed within one mile of the point where the ferry above provided for shall be established. Authority to maintain a ferry.

Sec. 2. The following rates may be charged and received for crossing at said Ferry 37 1-2 cents for a span of horses, and wagon; 25 cents for a horse and buggy; 37 1-2 cents for one yoke of oxen and wagon; 12 1-2 cents for a single horse; 25 cents for a man and horse; 1 cent per head for hogs or sheep in the drove; 10 cents for a footman, and all other rates not hereby specified to be fixed by the board of Supervisors of said county when called upon at any of their regular sessions. Rates of toll.

Sec. 3. Any future Legislature may alter or repeal this act.

Approved, April 2, 1853.

An Act to change the names of the villages of Ceresco and Ripon to Merano.

Chap. 253.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The villages of Ripon and Ceresco, in

Fond du Lac county, are hereby changed, and united into one village, and shall hereafter be known and designated as the village of Morena.

Sec. 2. This act shall take effect from and after its passage.

Approved, April 2, 1853.

An Act to provide for laying out a State Road therein named.

Chap. 254. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION. 1. That James Pratt, John Shaw, and Luther Forsyth be, and they are hereby appointed commissioners to lay out and establish a State road, from Berlin in Marquette county, via. St. Marie, to Montello in said county.

Sec. 2. The said commissioners shall receive such compensation per day, for the time actually spent in laying out said road, as may be allowed by the board of supervisors of the county of Marquette, and paid by said county.

Sec. 3. No part of the expense of laying out said road shall be paid out of the State Treasury.

Approved, April 2, 1853.

An Act authorizing the Milwaukee and Mississippi Railroad Company to purchase a portion of the Southern Wisconsin Railroad.

Chap. 255.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Milwaukee and Mississippi Railroad company shall have power to lease and purchase that portion of the Southern Wisconsin Railroad, which has been, or may hereafter be constructed, lying between the easterly bank of Rock river, in the town of Janesville, and the point of its intersection with the Milwaukee and Mississippi Railroad, in the town of Milton, together with the track, real estate, fixtures, personal property, and franchises appertaining thereto, and such portion of railroad, (whether already located and constructed, or hereafter to be located and constructed, together with the track real estate, fixtures, personal property, and franchises appertaining thereto, necessary for the full use and enjoyment of the same, upon the purchase thereof by said company, and the conveyance of the same to said company by the Southern Wisconsin Railroad company, by a deed duly

Power to purchase southern railroad.

executed by the president thereof, under its corporate seal and countersigned by its Secretary,) shall become incorporated and merged in the property and franchises of the Milwaukee and Mississippi Railroad company, and said company shall have the right to operate, maintain, complete and reconstruct such portion of road, and to manage and control the same in all respects, and to the same extent as if the same had been located and constructed as part of the railroad of said company, and duly authorized by the act incorporating the same: *Provided*, that such merger or incorporation shall not take effect until a resolution of the board of directors of the Milwaukee and Mississippi Railroad Company, affirming and assenting to the same, shall be entered on the records of said company, and a like resolution of the board of directors of the Southern Railroad company shall be entered on the records of said company, and copies of said resolutions, duly certified by the secretary of said companies, under the corporate seal thereof, shall be filed in the office of the Secretary of State.

Sec. 2. This act shall take effect from and after its passage.

Approved, April 2, 1853.

An Act to authorize the laying out of a road therein named.

Chap. 256.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That William P. Call, John W. Catton, Reuben Field, be and they are hereby appointed commissioners to lay out and establish a State road, beginning at Depere, in Brown county, on the nearest and best ground to Kewaunee in Kewaunee county.

Sec. 2. The said commissioners shall not be entitled to any compensation for the services rendered under this act.

Approved, April 2, 1853.

An Act to amend the act entitled "an act to incorporate the Female Normal Institute and High School at Milwaukee.

Chap. 257.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the act entitled "an act to incorporate the Female Normal Institute and High School at Milwaukee" Act amended,

lee," be and is hereby so amended as to change the name of the Normal Institute and High School to the name of "Milwaukee Female College."

Power to Trustees to borrow money. Sec. 2. The trustees of said corporation shall have power to borrow on the credit of said corporation any sum or sums of money for the purpose of providing for the payment of the liabilities of the said corporation, for the purchase of property necessary for the business of such corporation, and for erecting and furnishing all necessary buildings, and for that purpose said trustees shall have power to execute all necessary bonds, writings, contracts and securities, and also mortgages of the real and personal property of said corporation, which papers may be executed by the President and countersigned by the Secretary of said trustees, under their authority.

Approved April 2, 1853.

Chap. 258.

An Act to authorize George F. Wright and L. M. Miller to construct and maintain a dam.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION. 1. George F. Wright and L. M. Miller, and their associates, successors and assigns, are hereby authorized to construct and maintain a dam across Wolf river, at LaMotte in the county of Shawnau.

Sec. 2. This act shall not be so construed as to release said Wright, & Miller and their associates, their heirs and assigns, from any damage that any individual or individuals may sustain by the erection of said dam, and provided that said dam shall be constructed with such slides, shutes or locks, as to permit the free passage of all rafts, logs, lumber, boats, or water craft, without hindrance or delay and free of all tolls and charges therefor.

Approved, April 2, 1853.

Chap. 259.

An Act to legalize a certain State Road.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That a certain State Road, surveyed by W. H. Gleason, under and by the direction of C. J. Marsh, one of the commissioners appointed by an act of the Legislature, approved March 11, A. D. 1851, running from Par-

deville to Stevens' Point, be and the same is hereby declared to be a legal highway. as laid and surveyed under the direction of said commissioner.

Sec. 2. This act shall take effect from and after its passage.

Approved, April 2, 1853.

An Act to incorporate the Wisconsin Health Insurance Company.

Chap. 260.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Eliphalet Cramer, James H. Rogers, William Pitt, P. M. Lynde, William Lee, Christopher E. H. Pependick, H. Schwarting, Henry C. Heide, and all other persons who may hereafter associate with them, shall be, and hereby are constituted a body politic and corporate by the name and style of "The Wisconsin Health Insurance Company."

Constituted a body politic.

Sec. 2. The corporation hereby created may become a party to suits, may make by-laws not inconsistent with any existing laws of this State, for the regulation of the affairs, and have and use a common seal, and alter the same at pleasure, and in addition to their general powers, the said corporation shall have power to insure the health of such person or persons, male or female as may be deemed expedient, but in no case is it permitted to insure upon health more than four hundred dollars per annum on any one risk.

May become party to suits.

Sec. 3. The affairs of said company shall be conducted by a board of directors of not more than seven in number, and such officers, clerks and agents as they may appoint. The board of directors shall elect a president, vice-president, treasurer, and secretary, from their number, and they with the directors shall hold their offices for one year and until others are elected.

Affairs conducted by board of directors.

Sec. 4. The corporation above named, or a majority of them, shall have power to receive subscriptions to the capital stock of the company at such time and place as they may designate, either with or without publication of notice thereof, and the capital stock of said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock, how received.

Sec. 5. At the time of subscription there shall be paid the sum of two dollars on each and every share subscribed, and the remainder ninety-eight dollars shall be secured to

Payment of stock.

the corporation in such manner as shall be approved by the majority of the said corporation who receive the said subscriptions.

Directors, how
elected.

Sec. 6. As soon as there shall be two hundred shares of the stock subscribed in manner aforesaid, it shall be the duty of a majority of the aforesaid corporators, to call a meeting of the stockholders, at such time, and such place, and such notice, as they may deem proper for the purpose of electing a board of directors, and the said corporators, or a majority of them, shall constitute a board of inspectors to superintend such election, and at which election the said stockholders shall decide upon the number of directors to be elected, not exceeding seven as hereinbefore provided, and annually thereafter a board of directors shall be duly chosen.

Sec. 7. Whenever the said two hundred shares of stock shall have been subscribed, and the board of directors elected as provided in the sixth section, the said corporation may proceed to transact business.

Capital stock,
how invested.

Sec. 8. The capital stock of this association, and all premiums received in the due course of business, or other profits, may be invested or loaned in such way and manner as the said board of directors may from time to time designate; *Provided*, That upon all loans so made, no greater rate of interest shall be charged than is allowed by the laws of this state.

May hold real
estate.

Sec. 9. The said corporation may hold and convey at their pleasure all real estate, that may be made over to them for securities for loans as aforesaid, or that they may be under the necessity of taking in payment for debts due to them, and they may also hold real estate, on which to erect such buildings as they may deem expedient, in which they may transact their business.

May fix tariff
of insurance.

Sec. 10. The said board of directors shall have power from time to time, to fix the tariff or rates for insurance and they shall annually cause a statement to be made out, and a balance struck of the affairs of said corporation, and if there shall be any, ascertained profits after paying all losses and expenses of the year preceding, and providing for the outstanding risks and other liabilities of said corporation, they shall then divide such profits among the stockholders thereof, according to their respective interests, or shares therein.

Stock, how
suffered.

Sec. 11. It shall and may be lawful for the board of directors, at any time, any stockholders shall fail to pay his liabilities or securities for stock so as aforesaid sub-

scribed by him, which may be due and owing to said corporation, to forfeit his stock to the said corporation or they may enforce the collection of such liability or securities in any court of competent jurisdiction.

Sec. 12. At the expiration of one year after the organization of the corporation by the election of directors as aforesaid in the third section, if the board of directors shall so elect, it shall and may be lawful for the corporation to make insurance on dwelling houses, shops and other buildings, household furniture, merchandize and other property, against loss or damage by fire; also to make marine insurance upon steam boats, vessels, and other water crafts, goods, wares and merchandize, freight, bottomry and respondentia interests, and to make all and every insurance connected with marine risks. and risks of navigation and transportation; also to cause themselves to be reinsured against any risk upon which they have made, or may make insurance. Property to insure.

Sec. 13. Whenever the board of directors shall deem it necessary the said company are authorized and fully empowered in their corporate capacity and name, to borrow any sum or sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, and make and execute in their corporate name all necessary writings, notes, bonds or other papers, and make and execute, and deliver such securities in amount and kind as may be deemed expedient by said corporation, and all such contracts and official acts of said company are hereby declared binding in law and equity upon said corporation, and upon all other parties to such contracts. May borrow money.

Sec. 14. The directors shall have power to require every person subscribing to the stock of said corporation to effect insurance therein, either upon his own health, or upon the health of some other person, for such length of time as they shall prescribe. But insurances may be made and risks taken by said corporation at the request of applicants, without their becoming stockholders. Health insurance.

Sec. 15. The directors shall have power to issue policies of insurance to any person or persons upon such terms as shall be mutually agreed upon, so that the insured may be permitted to participate in the dividends or profits of the corporation. Policies.

Sec. 16. Nothing contained in this act shall be so construed as to permit said corporation to do banking business, or to issue evidences of debt, in the similitude of bank bills to circulate as money.

Sec. 17. This act shall take effect from and after its passage.

Approved, April 2, 1853.

Chap. 261. An Act to incorporate the Blue Mounds Mining and Manufacturing Company,

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Ebenezer Brigham, Gideon M. Ashmore and Cyrus Woodman, their associates and successors are hereby constituted a body politic and politic by the name and style of the Blue Mounds Mining and Manufacturing Company, and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law and equity; may have a common seal, and the same alter at pleasure, and may enjoy all the privileges incident to corporations, for the purpose of mining, smelting and manufacturing lead and other metals in the counties of Dane and Iowa.

Sec. 2. Said corporation shall have power to purchase and convey, real and personal estate; *Provided*, that the cost of real estate held by said company at one time, shall not exceed one hundred thousand dollars.

Sec. 3. The first meeting of said corporation may be held by the persons named in this act, or a majority of them, at such time and place in either of said counties, as may be agreed upon by them, and at such meeting, and at all other meetings duly held, said corporation may make and alter such by-laws, rules and regulations for the management of the business of said corporation as a majority may direct, not repugnant to the laws of this State, or of the United States.

Sec. 4. Said corporation may divide their stock into as many shares, and provide for the sale and transfer thereof, in such manner as said corporation shall from time to time deem expedient.

Sec. 5. This act shall be a public act, and shall be favorably construed towards said company.

Approved, April 2, 1853.

An Act relating to Slaughter Houses in the village of Madison.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows : Chap. 262.

SECTION 1. All Slaughter Houses within the village of Madison, are hereby declared a nuisance, and may be removed without the corporate limits of said village, within such time, and under such penalties, as the President and Trustees shall ordain: and hereafter no Slaughter House shall be erected or used within the limits of said village.

Approved April 2, 1853.

An Act vacating Pious Street in the village of Shullsburgh.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Chap. 263.

SECTION 1. That the public street in the village of Shullsburgh, in LaFayette county, as laid out and platted on the south-east quarter of the north-east quarter of section number ten, township number one, north of range number two, east of the fourth principal meridian, and known and designated on the plat of said village as Pious Street, be and the same is hereby vacated and entirely annulled; and the ground over which said street is laid out, shall vest in fee, in the proprietors of lots adjoining said street, on either side, according to the number and size of their respective lots.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

An Act to legalize the acts of the Methodist Episcopal Church at Monroe and Decatur.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Chap. 264.

SECTION 1. The organization of the said Methodist Episcopal Church at Monroe and Decatur, and all and singular the acts and proceedings relating thereto, are hereby declared to be legal and valid, and all the acts and doings of said Church, and of its officers, subsequent to the organization, are declared to be as valid and binding on all parties concerned, as if such organization, and the acts relating thereto, had been in all respects in compliance with the statute in such cases made and provided.

Sec. 2. This act shall take effect and be in force from and after its passage and publication.

Approved, April 2, 1853.

Chap. 265. An Act to authorize certain towns to aid in the construction of the Milwaukee and West Bend Plank Road.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Supervisors
authorized to
subscribe for
stock.

SECTION 1. The Supervisors of any town through or into which a Plank Road may be located by a Plank Road Company, authorized to construct a plank road leading from the city of Milwaukee to West Bend in the county of Washington, by and with the consent of majority of the legal voters of such town, to be expressed as hereinafter provided, be, and they are hereby authorized and required to subscribe in the name and for the benefit of such town, to the capital stock of the Milwaukee and West Bend plank road company, an amount not exceeding eight thousand dollars.

May borrow
money.

Sec. 2. That the Supervisors of said towns, for the purpose of paying the stock authorized to be subscribed for by this act, are hereby authorized to borrow the necessary amount of money, for which they shall issue the bonds or obligations of such towns, signed by the Supervisors of the same, in amounts not less than fifty dollars, which bonds or obligations shall be made negotiable, bearing interest, payable annually, at such place and at such rate, not exceeding ten per cent. per annum, as may be agreed upon; and such bonds or obligations may be made redeemable at such time as may be deemed expedient by said supervisors, or such bonds or obligations, or any part thereof, may be issued directly to said company in payment of said stock, as said supervisors and the officers of said company may agree.

Register of
bonds.

Sec. 3. That the said supervisors of such towns, shall keep an accurate register of all bonds or obligations issued under the provisions of this act, showing the dates, numbers and amounts thereof, to whom issued, when payable, and the rate of interest stipulated therein, and they shall also cause to be kept in the office of the town treasurer of their several towns, such books and entries as will fully exhibit all liabilities, receipts, disbursements and the precise state of indebtedness of such towns arising in any measure under this act.

Sec. 4. That the faith of any town subscribed for stock under this act, and the nett profits, or dividends upon the stock so subscribed by said town shall stand pledged for the payment of the indebtedness and interest which may become due from said town, under this act, and it is moreover made the duty of the supervisors of such town, so

subscribing under this act, to add and levy such per centum of tax upon the assessment roll of all the taxable property in such town, annually, in addition to the ordinary taxes of such town, to be collected as other town taxes, as shall be sufficient, when added to the dividends of nett profits aforesaid, to pay the accruing interest, expenses, discounts, or any losses springing out of the sale of said bonds or obligations, or in any manner arising under this act, and likewise to provide a sinking fund of such amount as they may deem expedient, and the money so levied, when collected like other taxes, shall be applied to the purposes aforesaid, and none other.

Sec. 5. That the supervisors of any town so subscribing, by themselves or such agent or agents, as they may appoint, shall have power to vote at all meetings of the stockholders of said plank road company, in proportion to the stock owned by such town, and in all other respects to act in the business of said company as individual stockholders in the same are authorized by law to do, and the said supervisors are hereby authorized whenever they deem the same expedient, to sell and transfer any or all stock owned by such town, in said company, in order to pay off the indebtedness which may arise under this act, and the proceeds of such sale shall be applied to the extinguishment of an equivalent amount of the indebtedness of the town created under this act.

Sec. 6. That before any stock shall be subscribed by the supervisors of any of the towns aforesaid, to the said plank road company, under the provisions of this act, the question shall be submitted to the qualified electors residing within the limits of such town, in the manner following, that is to say: on the written application to the supervisors of any such town, of twenty or more qualified electors of said town, which application shall specify the amount of stock they desire said supervisors to subscribe to the capital stock of said company for the benefit of said town. It shall be the duty of the supervisors of such town, to give notice by posting up in five or more of the public places in such town, at least ten days before the time specified in said notice for holding said election, a written or printed notice, setting forth that on a certain day, and at a certain place therein mentioned, an election will be held in such town, for the purpose of deciding whether the supervisors of said town, shall subscribe in the name and for the benefit of said town, to the capital stock of the Milwaukee and West

Faith of town
pledged.

Supervisors
empowered
to vote.

Question to be
submitted to
the people.

Bend plank road company, the amount specified in the application aforesaid, which amount shall also be specified in said notice, and on the day, and at the place specified in said notice, an election shall be had, and a vote taken by ballot, and said election shall be held and conducted, and the vote taken, canvassed and returned in all respects as provided for the holding and conducting of town meetings, and each voter shall endorse upon his ballot the words "for subscription" or "against subscription," and if it appears that a majority of the votes given are in favor of such subscription, the same shall be made in the manner provided in this act, but not otherwise.

Posting of notices.

Sec. 7. That the said supervisors or one of them, shall make or cause to be made an affidavit or affidavits of the posting of the notices required in the foregoing section of this act, which affidavit or affidavits, together with the application in writing, also specified in the foregoing section, shall be by them deposited in the office of the town clerk of their respective towns, and recorded in his office, and the said affidavit or affidavits and applications, or certified copies of the same, or a certified transcript of the record of the same, shall be taken and received in all courts of this state, as conclusive evidence to prove the facts set forth and contained in the same.

Sec. 8. That any two of the supervisors of the towns aforesaid, may do or perform any act or thing which said supervisors, are by this act authorized or required to perform.

Sec. 9. This act shall take effect, and be in force from and after its passage.

Approved April 2, 1853.

Chap. 266.

An Act to authorize the county of LaCrosse to aid in the construction of the Milwaukee and LaCrosse Railroad.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Supervisors authorized to subscribe for stock.

SECTION 1. The Board of Supervisors of the county of LaCrosse are hereby authorized to subscribe for the said county any amount not exceeding one hundred thousand dollars, to the capital stock of the Milwaukee and LaCrosse Railroad Company, or any other rail company whose road may pass through said LaCrosse county, and pay for the same in the bonds of said county, payable within twenty years, with interest payable annually in the city of New York, not exceeding seven per cent.

Sec. 2. The shares of stock in said Railroad Company thus taken by said county, and all dividends arising from the same, are hereby irrevocably pledged for the payment of the interest and principal of said bonds; *Provided*, however, That the board of Supervisors of said county may sell such shares, but the proceeds thereof and interest shall still be pledged to pay the interest and principal of said bonds. Stock pledged.

Sec. 3. The board of Supervisors of said county of LaCrosse, whenever the same shall be necessary, shall annually levy a tax upon the taxable property of said county sufficient to pay the interest upon such bonds, after deducting the dividends due to said county on said shares of stock. Taxes may
levied.

Sec. 4. The board of Supervisors of said county may annually appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company, for the election of directors thereof, and shall be entitled to cast one vote for every share of stock which said county shall hold in said railroad company and in case of his absence or inability to attend, to appoint in writing under his hand some other person who shall have the same powers. Railroad com-
missioner.

Sec. 5. No bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said county voting upon said question shall severally vote in favor of the same, at an election which shall be called by the board of supervisors of said county for that purpose, to be held at the usual places of holding elections in the several towns in said county. At such election those voting in favor shall vote a ballot with the words inscribed thereon, designated which railroad "For the Railroad," and those voting against shall vote a ballot with the words inscribed thereon "Against the Railroad." Two weeks previous notice of said election shall be given in a public newspaper, printed in said county, and this act shall be published in connection therewith. Said election shall be conducted, and returns thereof made and canvassed in the same manner as at the general elections in said county. Question to be
submitted to
voters.

Sec. 6. This act shall take effect immediately.

Approved, April 2, 1853.

Chap. 267. An Act to incorporate the Two Rivers and Green Bay Railroad Company.
The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Commissioners.

SECTION 1. Hezekiah H. Smith, John Medberry, William Aldrich, Horace Hamilton, Martin B. Medbury, Lemuel House, Charles Kucher, Ezekiah Ricker, Stephen A. Alden, Dan Smith, Henry S. Baird, Timothy O. Howe, Joel S. Fiske, shall be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Two Rivers and Green Bay Railroad Company hereby incorporated; and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of such times and places by publishing the same weekly in some public newspaper printed in the counties of Manitowoc and Brown.

Capital stock. Sec. 2. The capital stock of said company shall be eight hundred thousand dollars, in shares of one hundred dollars each, and as soon as three hundred shares shall have been subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall become associated with them for that purpose, their successors and assigns, shall be and they are hereby created and declared a body corporate and politic, by the name and style of the Two Rivers and Green Bay Railroad Company, with perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed; they may make, have and use a common seal, and alter, break or renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted wit, and generally may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of said corporation.

Directors how elected.

Sec. 3. The said commissioners, or a majority of them, after the said three hundred shares of stock shall have been subscribed as aforesaid, shall close the books of subscription, and shall give at least thirty days notice in the newspaper hereinbefore mentioned, of the time and place by them appointed for the stockholders to meet for the

purpose of electing nine directors, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors and until other directors are elected.

Sec. 4. All the affairs of said corporation shall be managed by a board of nine directors who shall be stockholders and who are hereby invested with all the powers of the corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be on the 4th Monday of September in each year, by the stockholders of the said company, on like notice as herein prescribed for the first election of directors. The votes shall be delivered in person or by proxy, duly authorized, and in all cases in which stockholders shall vote, each share of stock shall be entitled to one vote, and in elections of directors those stockholders equal to the number to be elected having the greatest number of votes shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If from any cause an election of directors shall not be had at the time when by the provisions of this act it should be had, the same may be had at any other time, on thirty days notice to be given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or loose any of its privileges, franchises or immunities by reason of the irregularity or want of such election. The board of directors may at any time increase or diminish the number of directors to be elected at the next annual meeting of the stockholders; *Provided*, The number shall not be less than five nor more than nine, and in case of such increase or diminution, the number to be elected shall be specified in the notice of election.

Affairs of company managed by directors.

Sec. 5. A majority of the board shall constitute a quorum for the transaction of any business, they shall meet at such times and places, and be convened in such manner as they shall decide upon, they shall elect by ballot one of their own number to be president, who shall when present preside at all meetings of the directors, and when absent the directors may appoint a president pro tem. The board of directors may appoint a secretary, treasurer and such engineer, superintendent, agents and other officers as they may find necessary, fix their compensation, and may demand adequate security or the faithful discharge of their respective duties and

Quorum—

Officers how elected.

trusts, and may fill any vacancy which may occur in their own board. They may prescribe the time, manner and proportions in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company, the share or shares of any person failing to pay any installments required; may regulate tolls and charges for the transportation of freight and passengers; also, make such covenants, contracts and agreements with any person or persons, co-partnerships or corporation whatsoever, as the execution and management of the works, convenience and interests of the company may require; may make any contract or agreement which they shall think proper with any other railroad company for the leasing or purchasing the whole or any part of any Rail road constructed or to be constructed by such railroad company; may make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all of the appropriations, receipts, disbursements and all other affairs and proceedings of said company.

Certificates of
stock.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the president and secretary, and sealed with the common seal of the company, subject however, to all the payments due and to grow due thereon, which stock shall be transferable in such manner as shall be provided by the by-laws of the company.

Statement of
affairs.

Sec. 7. At each annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to the stockholders a complete statement of the affairs and proceedings of the company for such year. Special meetings may be called by the board of directors or by stockholders holding one-fourth in amount of the capital stock on like notice as that required for annual meetings, specifying the object of the meeting.

Route of road.

Sec. 8. The said company shall have power to locate and construct a railroad with one or more railways or tracks, from such point in the town of two rivers in the county of Manitowoc to such point in the village of Green Bay, as shall be determined upon by the board of directors, and the said company shall have power to transport, take and carry property and persons upon said road, by any power and force whatever, and to make, construct and

put in operation all such turn-outs, side-tracks and connecting tracks as they shall think will promote the interests of the company; and to erect and construct all such depots, station-houses, ware-houses, car-houses and shops, engine houses and shops, toll-houses, machine shops and all other fixtures, useful for the accommodation of said railroad and of those using it, to manufacture or purchase all necessary engines, tenders, cars and other conveniences for running said road, and they shall have power to connect the said railroad or branch railroad in this state, and to operate the same in connection with such other railroads or branch railroads, and to have or purchase from any other railroad company the whole or any part of any railroad or branch railroad owned by such company, or to lease or to sell to any other company, the whole or any part of the railroad or any of its branches, to be built or owned by this company.

Sec. 9. The said company is hereby authorized and fully empowered in its corporate capacity to borrow any sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, any law upon the subject of usury in this State to the contrary notwithstanding; and to make, execute and deliver all necessary writings, notes, bonds, mortgages or other papers and securities, in amount and kind as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction repair, equipment or running of said road; and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carry on the objects of said company, namely: the construction of a railroad from and to the points aforesaid, are hereby ratified and confirmed, and the contracts and official acts of said company are declared binding in law and equity upon said corporation, and upon all other parties to such contracts. May borrow money.

Sec. 10. If said corporation shall not within five years from the passage of this act commence the construction of said road, and in ten years from the time aforesaid complete the same, then the rights, privileges and powers of said corporation under this act shall be null and void.

Sec. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating

the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them their agent, officers, engineers, contractors and servants at any time to enter upon, take, possession of and use such land not exceeding one hundred feet in width along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided in such cases respectively, and it shall further be lawful for said company, by their officers, engineers and agents to enter upon lands adjacent to the railroad, beyond the limits provided in this act, when necessary for the purpose of erecting depot, buildings, station-houses and necessary fixtures for its operation and the business of said road, and for the purpose of making drains and giving proper direction to water courses across or along said road, when the same are necessary, beyond the limits of said road, and to remove all substances and things which might endanger, obstruct or interfere with the free use of such road, and to deposite earth, gravel and stone taken from deep cuts, and to obtain earth, gravel and other material for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage, and all damage which shall be done to any lands or property under the provisions of this section shall be ascertained and paid for in the same manner and agreeably to the provisions of this act, and when such damage shall have been paid and tendered, the title to the lands occupied by such buildings, fixture, excavations and embankments shall vest in fee simple in said company, agreeably to the provisions of this act; and it shall further be lawful for said company to purchase and hold in fee simple, lands adjoining or adjacent to said road, for the purpose of procuring earth, gravel or other materials for embankments and structures necessary to the construction and repairs of said road and necessary buildings, and whenever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

May enter
upon land.

Sec. 12. The said company shall have the right to enter upon any lands required for their use as provided in the eleventh section of this act, and to survey and lay out said road not exceeding one hundred feet in width, and take any stone or gravel necessary for the construction of the said road, and whenever any lands so required shall be

taken for the construction of the said road, and the same shall not be given or granted to said company, the compensation to be paid therefor shall be determined by three appraisers, to be appointed by the circuit judge of the judicial circuit in which such premises or material shall be situate, who shall be sworn to faithfully and impartially discharge the duties of their appointment; the said appraisers when so appointed and sworn, having given ten days notice to said company and claimant, shall view the premises and may take the testimony, and they or any one of them, are authorized to administer oaths for that purpose, and they shall render copies of their award to each of the parties in writing, from which award either party may appeal to the Circuit Court of the county in which said land or material may have been situate, and appeals in such cases shall, when taken, be in all respects proceeded in as appeals in other cases to said court, and brought into said court by filing the award with the clerk of said court, whose duty it shall be to enter the same upon the docket of said court, setting down the claimant or claimants as plaintiff, and said company as defendant, and when the valuation so ascertained shall be paid or tendered by said company, said company shall have the same right to retain, hold and possess such lands and materials as fully and absolutely as if the same had been granted or conveyed to said company by deed as long as the same shall be used for the purposes of said road, and the said company shall have the right to enter upon any such lands to survey and construct said road, and to take said materials whenever said appraisers shall have made their award, and the said company shall have paid or tendered, the amount of said award without being liable as trespassers and subject to be affected only by the determination of the appeal when taken.

Compensation
for lands, how
fixed.

Sec. 13. The said company may construct said Railroad across any public or private road, highway, stream of water, water course, if the same shall be necessary; but the said company shall restore such road, highway, stream of water or water course, to its former state or in a sufficient manner not to impair the usefulness of said road, highway, stream of water or water course, to the owner or to the public.

May cross
highways.

Sec. 14. On the completion of said railroad or any section of the track, not less than five miles, it shall be and may be lawful for the company to deliver and receive such sum or sums of money for passage and freight of

May receive
money for
freight.

persons and property as they shall from time to time think reasonable.

Power to connect with other rail roads. Sec. 15. The said company shall have power to connect said railroad and operate the same with other railroads in the State of Wisconsin, and to consolidate the capital stock of said company with the capital stock of any railroad company with which the roads of said companies shall intersect; and shall have full power to place the road of the company and its capital stock so consolidated, under the direction of a joint board of directors of not less than five nor more than nine, to be chosen as the directors of the companies consolidating their capital stock shall direct and agree upon.

Penalty for obstructions to road. Sec. 16. If any person shall wilfully and knowingly obstruct, injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building, machinery, or other property attached to or in use upon the same belonging to said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road, such person or persons so offending shall each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of the damages caused by such offence, which may be recovered in the name of said company, by action of debt in any court having competent jurisdiction in the county wherein the offence shall be committed, and such person or persons so offending shall also be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either at the discretion of the court.

Sec. 17. The property of every individual invested in said corporation, shall be liable to be taken in execution for the payment of his or her debt, in such manner as is or may be provided by law; *Provided*, That all debts and unpaid stock due said company shall be first paid.

Public act. Sec. 18. This act is hereby declared to be a public act, and shall be favorably construed to effect the purpose thereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof in all cases.

Shall make fence. Sec. 19. The said company shall before entering upon enclosed ground, make a good and sufficient fence so as to preserve such enclosure entire, and shall before using such road as a railroad make a good and sufficient fence on both sides of said road through such enclosure, and shall keep and maintain the same, and when said road shall run through any farm or enclosed land. The said com-

pany shall make, keep and maintain a good passage way across said road, and all necessary gates, and shall maintain and keep the same in order.

Sec. 20. This act shall take effect and be in force from and after its passage.

Approved April 2, 1853.

An Act to authorize the city of Kenosha to issue its bonds in aid of the Green Bay, and Milwaukee, Chicago Railroad Company.

Chap. 268.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Common Council of the city of Kenosha is hereby authorized and empowered to issue to the Green Bay, Milwaukee, and Chicago Railroad Company the corporate bond or bonds of said city, for the payment of a sum of money not exceeding one hundred thousand dollars, to aid in the construction of said railroad. The bond or bonds so provided to be issued shall be made payable at a period not exceeding twenty years after the issuing thereof, with interest payable semi-annually, at a rate not exceeding seven per centum per annum, with a provision making them transferable by general or special endorsement or by delivery.

Common council authorized to issue bonds.

Sec. 2. That the Common Council of said city of Kenosha may aid in the construction of the Green Bay, Milwaukee and Chicago Railroad, it shall be lawful for the said Green Bay, Milwaukee and Chicago Railroad Company to contract with said Common city Council, and for said city to contract with said company, for the purpose in said first section mentioned, and do and execute whatever may be necessary for such purpose, and to secure the payment of such bond or bonds and interest as the Common Council of said city of Kenosha may or shall issue in pursuance of this act, it shall be lawful for said Green Bay, Milwaukee and Chicago Railroad Company to execute and deliver to the Common Council of said city a deed of conveyance to be called and be a second mortgage of all the present and future to be acquired property of such company in the whole or any part of said railroad, including the right of way and land occupied by said road or any

What roads the city may aid.

part thereof, together with the whole or any part of the superstructure and tracks thereon, rails and other materials used thereon, or any part thereof, including bridges, viaducts, culverts, fences, equipments, depot grounds and buildings thereon, engines, tenders, cars, tools, materials, machinery, fixtures, and all other personal property, or any part of the same, to correspond in amount and [terms] of payment with the lands aforesaid, that may or shall be issued by said city; which said second mortgage shall be deemed, taken, and held to be subject and subsidiary to another deed of conveyance to be called a first mortgage, of all the aforesaid property, which said first mortgage, whether it shall have been executed prior or subsequent to said second mortgage in point of time, shall constitute the first lien upon said railroad and of all the aforesaid property, but it shall not be issued to secure the payment of bonds to a quarter amount than ten the thousand dollars per mile of the whole length of said railroad, nor bearing a rate of interest quarter than at the rate of ten per centum per annum, and whenever such second mortgage shall be executed and delivered as above provided, and be recorded as above provided in the office of Secretary of State, it shall constitute a perfect and (*indispensable*) [indefeasible] lien upon said railroad and upon all property described in it, subject only to the prior lien created by said first mortgage.

Question submitted to the voters.

Sec. 3. The city bonds by this act authorized to be issued, shall not be issued until a majority of the legal voters of said city voting upon the question, shall vote in favor thereof at an election to be called by the Common Council for that purpose. At such election those voting in favor shall vote a ballot containing the words "For the railroad," and those voting against shall vote a ballot containing the words "Against the railroad." One week's previous notice of the time and place of holding such election shall be given in a newspaper published in said city. Such election shall be conducted and the votes canvassed and returns made in the same manner as other city elections, and the said Common Council shall have full power to do and require whatever may be necessary for the payment of said bonds and interest, which said Common Council may or shall issue for the purpose mentioned in this act.

Sec. 4. This act shall take effect from and after its passage.

Approved April 2, 1853.

An Act to incorporate the La Crosse and Portage City Railroad Company. Chap. 269.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Benjamin Allen, William Hood, J. B. Stoddard, Timothy Burns, A. D. La Due, Edwin Flint, Hugh McFarlane, David S. Vittum, and Franklin Pettit, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the La Crosse and Portage City Railroad Company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions by publishing the same weekly in public newspapers printed in the counties of Columbia, Sauk and La Crosse.

Commissioners.

Sec. 2. The capital stock of said company shall be two millions dollars, and shall be divided into twenty thousand shares of one hundred dollars each, and as soon as four hundred shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall become stockholders in conformity with the provisions of this act, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of the La Cross and Portage City Railroad Company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estates, either real, personal, or mixed, they may make, have and use a common seal, and alter break, or renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of the said corporation.

Capital stock.

Sec. 3. The said commissioners, or a majority of them, after the said four hundred shares of stock are subscribed, shall close the books of subscription, and shall give at least thirty days notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the

Directors how elected.

stockholders to meet for the purpose of electing seven directors, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Affairs managed by board of directors.

Sec. 4. All the affairs of the said corporation shall be managed by a board of seven directors, who shall be stockholders, and who are hereby invested with all the powers of the said corporation. They shall be chosen annually, by ballot, at the annual meeting of the stockholders, which shall be held on the first Wednesday of February, by the stockholders of the said company, on like notice as herein prescribed for the first election of directors. The votes shall be delivered in person or by proxy duly authorized, and in all cases in which stockholders shall vote, each share of stock shall be entitled to one vote, and in all elections for directors, those stockholders, equal to the number to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If from any cause an election of directors should not be had at the time when by the provisions of this act it should be had, the same may be had at any other time, on thirty days notice, to be given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and that the corporation hereby created shall not forfeit or lose any of its privileges, franchises, or immunities by the reason of the irregularity or the want of such election.—The board of directors may at any time increase or diminish the number of directors to be elected at the next annual meeting of the stockholders: *Provided*, The number shall not be less than five nor more than fifteen, and in case of such increase or diminution, the number to be elected shall be specified in the notice of election.

Quorum.

Officers how elected.

Sec. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business, they shall meet at such times and places and be convened in such manner as they shall decide upon; they shall elect by ballot one of their own number to be President, who shall, when present, preside at all meetings of the directors, and when absent the directors may appoint a President *a pro tem*. The board of directors shall appoint a Secretary, Treasurer, and such engineers, superintendents, agents and other officers as they may find necessary, fix their compensation, and may demand adequate security

for the discharge of their respective duties and trusts, and fill any vacancy in their own board. The directors shall have power to re-open the books for subscription to the capital stock of the company, or open new books, under their own direction, or the direction of a majority of them, or under the direction of such person or persons as they may designate; to decide upon the amount to be paid on such subscription, the time and manner and proportions in which the stockholders shall pay subsequent instalments on their respective shares, and to forfeit to the use of the company the share or shares of any person failing to pay any instalments so required; to regulate tolls and charges for the transportation of freight and passengers; to make such covenants, contracts, and agreements with any person or persons, copartnership, or corporation whatsoever, as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company for the leasing or purchase of the whole or any part of any railroad constructed or to be constructed by such railroad company; to make and establish such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs and proceedings of said company.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the President and Secretary, and sealed with the common seal of the company, subject however, to all the payments due or to grow due thereon, which stock shall be transferable in such manner as shall be provided by the by-laws of the company. Certificate of stock.

Sec. 7. At each annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to the stockholders a complete statement of the affairs and proceedings of the company for such year. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders holding one fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting. Statement of affairs.

**Route and
kind of road.**

Sec. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from such eligible point in the village of La Cross, on the Mississippi river, to such eligible point in the town of Portage City as shall be determined upon by the said board of directors, and the said company shall have power to transport, take, and carry property and persons upon said road by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make, construct and put in operation all such turnouts, side tracks, and connecting tracks, as they shall think will promote the interests of the company, ware-houses, car houses and shops, engine shops, and toll houses, machine shops, and all other fixtures useful for the accommodation of said road and of those using it; to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running said road, and they shall have power to connect the said railroad with any other railroad or branch railroad in this State, and to operate the same in connection with such railroad, or branch railroad, and to purchase or lease from any other railroad company the whole or any part of any railroad or branch railroad owned by such company, or to lease or to sell to any other company the whole or any part of the railroad, or any of its branches, to be built or owned by this company.

**May borrow
money.**

Sec. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sums of money from any person or persons, corporation, or body politic of any kind, and for any rate of interest which may be agreed on by and between said company and any person or party of whom such money may be obtained, any law on the subject of usury in this State, or any other State where such transactions may be made, to the contrary notwithstanding; and to make, execute, and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said corporation, in consideration of any such loan or in discharge of any liabilities it may incur in the construction, repair, equipment, or running of said road, and the powers of said corporation for the purposes aforesaid, and for all purposes necessary to carrying out the objects of said company, namely, the construction of a railroad from and to the points aforesaid, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law and

equity upon said corporation, and upon all other parties to such contracts.

Sec. 10. If said corporation shall not within five years from the passage of this act commence the construction of said railroad, and in fifteen years from the time aforesaid complete the same, then the rights, privileges, and powers of said corporation under this act, shall be null and void. Commencement and completion.

Sec. 11. It shall be lawful for said company, their officers, engineers, and agents to enter upon any land for the purpose of exploring, surveying, and locating the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such land, not exceeding one hundred feet in width along the line of said route subject however to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided in such cases respectively, and it shall further be lawful for said company, by their officers, engineers, and agents, to enter upon lands adjacent to the road, beyond the limits provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation of the business of said road, and for the purpose of making drains and giving a proper direction to water courses, across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel, and stone taken from the deep cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage, and all damage which shall be done to any lands or property under the provisions of this section shall be ascertained and paid for in the manner and agreeably to the provisions of this act; and when such damages shall have been paid or tendered, the title to the land occupied by such buildings, fixtures, excavations and embankments shall vest in fee simple in said company, agreeably to the provisions contained in this act, and it shall further be lawful for said company to purchase and hold in fee simple, lands adjoining or adjacent to the railroad, for the purpose of procuring earth, gravel or May enter upon land.

other material for embankment and structures necessary to the construction and repairs of said road, and necessary buildings; and whensoever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

hall fence
road.

Sec. 12. Before the said company shall commence using their said road as a rail road, they shall erect a good and sufficient fence on both sides of the same, through all enclosed grounds, and shall maintain the same.

Compensation
for lands how
fixed.

Sec. 13. The said company shall have the right to enter upon any lands required for the use as provided in the eleventh section of this act, and to survey and lay out said road, not exceeding 100 feet in width, and the said company shall, if possible, agree with the owner of said lands as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same, and if the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, non compos mentis, insane, or married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman, and if the company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit: the said company shall select a disinterested arbitrator, and such owner, guardian or husband shall select another, who shall be disinterested, and not of kin to him, or if they should refuse or neglect for the space of three days after being notified by said company to do so, or if they be non-residents of this state, they shall be notified by mail, by letter signed by the secretary, and addressed to their usual place of residence, to select such arbitrator, and if they shall refuse or neglect for the space of sixty days after mailing of such letter, then in all cases of neglect or refusal as aforesaid, the Judge of the County Court, or Chairman of the County Board of Supervisors of the county in which such land shall lie, shall appoint three competent persons to act as arbitrators, who shall not be of kin to the claimants, or in any manner interested in said company, and the said arbitrators, having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation, which shall be paid by said company to such person for the land so taken, and shall deliver a copy of their award in writing to each of the parties, and if the amount awarded by

said arbitrators shall be more than said company had previously offered to pay, then said company shall pay all the expenses of said arbitration, and if it shall be less, then the other party shall pay such costs, and either party may within ten days after receiving a copy of such award appeal from the same to the court of proper jurisdiction for the county in which such land is situated, by giving written notice of such appeal to some one of the arbitrators, and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said case on its docket, setting down the claimant or claimants as plaintiffs, and the said company as defendants, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were by this act required to take into consideration, and the said court shall thereupon proceed to render judgment in favor of said complainant, against said company, and if the amount so found for said complainant shall exceed the amount so found by said arbitrators, the judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said arbitrators, the judgment shall be rendered in favor of said company for costs, and against said claimant. And when such compensation so to be ascertained according to the provisions of this section, shall be paid or tendered to the party entitled to the same, the title to said lands shall vest in the said company in fee simple, and a copy of such award or judgment, filed in the office of the register of deeds of the county in which the lands lie, shall be sufficient evidence of such title, and the said company shall have full power and authority pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of such lands for all the lawful purposes of said corporation, and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding either at law or in equity.

Sec. 14. The said company may construct the said railroad across any public or private road, highway, stream of water, or water course, if the same shall be necessary, but the said company shall restore such road, highway, stream of water or water course, to its former state, or in

May cross
highways.

a sufficient manner not to impair the usefulness of said road, highway, stream of water or water course to the owner or to the public.

May receive
money for
passage or
freight.

Sec. 15. On the completion of said railroad or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from time to time think reasonable.

Penalty for
obstructing
or injuring
road.

Sec. 16. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building or machinery attached to or in use upon the same, belonging to said company, or shall wilfully and maliciously place any obstructions or thing upon the track of said road such person, so offending, shall each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of the said company by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either at the discretion of the court.

Individuals
liable.

Sec. 17. The property of every individual invested in said corporation shall be liable to be taken in execution for the payment of his or her debts, in such manner as is or may be provided by law. *Provided*, That all debts due said company shall be first paid.

Sec. 18. This act is hereby declared to be a public act, and be favorably construed to effect the purpose thereby intended, and copies thereof printed by the authority of the State shall be received as evidence thereof in all cases.

Sec. 19. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

Chap. 270.

An Act to authorize John Marshall, Joseph Bailey, Edward Norris, Jonathan Bowman, James Christie, and their successors to build and maintain a dam across the Wisconsin River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. John Marshall, Joseph Bailey, Edward Norris, Jonathan Bowman, Joseph Kendrick, Charles

Bowen, and James Christie, their heirs, successors, and assigns, are hereby authorized to build and maintain a dam across the Wisconsin river, on the north half of section number fifteen (15) town number thirteen (13), north of range number six (6), east; to erect and use mills or other machinery; to construct and use wharves and other buildings; to make and use races and other water courses on such lands as it shall be necessary thus to use, or in any other manner to make use of the water for hydraulic purposes. Authority to maintain a dam.

Sec. 2. The owner or owners of said dam shall construct a convenient lock, not less than one hundred and fifty feet long between the gates, and forty feet wide in the clear of the chamber for the passage of boats, barges, and other water craft through the same, and the owner or owners of said dam shall maintain said lock, and shall attend the passage of all boats, barges, and water crafts through the same free of charge to the owners thereof. Locks.

Sec. 3. The said John Marshall, Joseph Bailey, Edward Norris, Jonathan Bowman, Joseph Kendrick, Charles Bowen, and James Christie, their associates, successors and assigns shall, whenever they shall construct said dam, also construct a slide or chute of such dimensions and requisites as shall comply with the law upon that subject, approved March 2nd, 1849, applicable to the Wisconsin and its tributaries, for the passage of rafts over said dam.

Sec. 4. The said John Marshall, Joseph Bailey, Edward Norris, Jonathan Bowman, Joseph Kendrick, Charles Bowen, and James Christie, their heirs, successors, associates and assigns, or any one of them, may, within six months from the time said dam shall have been erected, or such races or water courses shall have been made, apply to the Judge of the third judicial circuit, who shall appoint three commissioners to enquire into the damages that may arise to the lands overflowed in consequence of the erection of said dam, and of the making and using said races or water courses. The said commissioners shall, unless otherwise agreed by the parties, within thirty days from the time of their appointment, proceed to make an examination of all the lands damaged by the said overflowing or by said water courses, and shall make out an award in writing to the owner or owners of such piece or pieces of land damaged as aforesaid, of an amount of damages to be measured by the difference between the damage so caused to said land and the value of the benefit Commissioners to assess damages.

accruing to the owners of said land by reason of building said dam and making said water courses : *Provided*, Said damages shall exceed the said benefit.

Award to be filed. Sec. 5. The said award shall be filed by the said commissioners in the office of the clerk of the circuit court of Sauk county, within ten days from the time it shall have been rendered, and shall remain a lien upon the goods and chattels of the owners of said dam and their associates until the term of the circuit court thereafter next succeeding, when, by motion made by any party interested, a judgment may be entered up and execution issued in the same manner and with the same effect as judgments are entered and executions issued in civil suits in the circuit court; the said decision and award shall be final, unless appealed from as provided in the next succeeding section.

Sec. 6. Any person conceiving himself aggrieved by said award, may appeal, within twenty days from the time of making said award, to the circuit court of Sauk county, in the same manner as is provided by law for appeals from the decision of commissioners of the estates of deceased persons.

No suit shall be entered for damages, from overflowing land. Sec. 7. No suit or proceeding at law or in equity shall be entered against the owners or proprietors of said dam, for any damage arising from overflowing any land by reason of erecting and maintaining said dam, or of making and using said water courses, after they or any of them shall have applied to have commissioners appointed according to the provisions of this act, nor until after six months from the time of completing said dam, or of making any of the aforesaid watercourses which shall at the time being be the subject of damage, not having previously been adjudicated according to the provisions of this act. Any future legislature may alter, amend, or repeal this act.

Approved April 2, 1853.

An Act to authorize E. B. Houghton to keep and Maintain a Ferry across the Mississippi river.

Chap. 271.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Authority to maintain a dam. SECTION 1. That Euclid B. Houghton, his heirs and assigns, shall have the exclusive right to keep and maintain a Ferry across the Mississippi river from the landing in the village of Newport, in Bad Ax county in this State, to Lansing, for the period of ten years.

Sec. 2. Such Ferry shall be subject to such regulations Regulations.
as other ferries according to law, fixing the rates of tolls
in the manner in which license ferries shall be kept and
attended, and no ferry shall be licensed within one mile
below, and two miles above the point where said ferry
shall be established.

Sec. 3. The said Euclid B. Houghton shall be entitled Rates of toll.
for crossing any vehicle drawn by two or more horses or
oxen, seventy five cents; for any vehicle drawn by one
horse, fifty cents; for a single horse, twenty five cents,
for each head of cattle or mules, fifteen cents, *Provided*,
hogs and sheep shall not be charged more than ten cents
per head, and for foot passengers, ten cents each.

Sec 4. That the said Euclid B. Houghton, be and is Time for con-
struction.
allowed two years from and after the passage of this act,
to build and construct a regular ferry boat to be used on
said ferry: *Provided*, he shall furnish the necessary fa-
cilities for ferrying that may be required to accommodate
the travel during that time.

Sec. 5. Any future Legislature may alter or amend
this act.

Sec. 6. This act shall take effect from and after its
passage.

Approved, April 2, 1853.

An Act to incorporate the the Palmyra Academy.

The People of the State of Wisconsin, represented in Chap. 272.
Senate and Assembly, do enact as follows:

SECTION 1. Peter H. Turner, Spencer Carr, G. M. Created a
body politic
and corporate,
Harris, B. N. Benedict, Jacob Skinner, Justus Carpenter
S. B. Higgins, A. J. Craig, George Riddell, Oliver P.
Dow, Richard Peakham, Hiram E. Coon, together with
such other persons as may be hereafter associated with
them, be, and are hereby created a body politic and cor-
porate, with perpetual succession, by the name and title
of the Palmyra Academy, by which name, they and their
successors shall be known, and shall have power to sue
and be sued, to contract and be contracted with, plead
and be impleaded, defend and be defended in all courts
of law and equity, and further, shall have power to bor-
row any sum or sums of money, necessary for the purpose
of said corporation, may have and use a common seal,
and shall have power to receive as a gift, or to purchase
and hold any real estate, or personal property, consistent

with the interest of such an institution, and the same to sell and convey, or otherwise lawfully dispose of at pleasure.

Division of
stock.

Sec. 2. The stock of said corporation shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as may be prescribed by the by-laws of said corporation.

Meetings.

Sec. 3. Any three of the above named persons shall have power to call a meeting of said association, by giving ten days notice thereof, by posting up notices in three public places in the village of Palmyra, where said corporation is hereby located.

Trustees how
elected.

Sec. 4. At such legally notified meeting, the stockholders shall elect by ballot, six trustees, two of whom to be elected for the term of one year, two for the term of two years, and two for the term of three years, and after the said first election, two trustees shall thereafter be elected annually: *Provided*, that said trustees shall hold their offices until their successors shall be elected and qualified.

Votes:

Sec. 5. At all elections, and meetings of said corporation, each stockholder shall be entitled to one vote for each share of stock owned by him.

Officers.

Sec. 6. The trustees shall have power, 1st, to elect from their number a President, Secretary and trustees, and such other officers as are required by their by-laws, to make such by-laws, and regulations as they may deem proper, not conflicting with the laws of the State.

Sectarianism.

Sec. 7. There shall be no sectarian instruction in said institution.

Sec. 8. This act shall be in force from and after its passage.

Approved, April 2, 1853.

Chap. 273.

An Act to change the name of Eugene Cavanaugh.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows :

SECTION 1. That the name of Engine Cavanaugh shall hereafter be Charles Eugene Reay, by which name he shall be called and known to all legal intents and purposes.

Sec. 2. The said person whose name is thus changed, by the first section of this act, shall be the child and heir at law of Resley N. Reay, of Lisbon, Waukesha county, Wisconsin, and the obligation of child to parent, and parent to child, shall pertain as fully between the parties herein named, as in the case of natural parentage and decent: *Provided*, that the said Resley N. Reay shall consent to this act, and acknowledge the same in writing, before some justice of the peace, and record the same in the office of the register of deeds of Waukesha county.

Sec. 3. This act shall take effect from and after its passage.

Approved April 2, 1853.

An Act to authorize the town of Fredonia to build a bridge across Milwaukee River.

Chap. 274.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The town of Fredonia in the county of Ozaukee, is hereby authorized to build, construct and maintain a bridge across the Milwaukee river, in said town on the quarter line, running north and south through the center of section 28, town 12, north of range 21 east.

Sec. 2. Said Bridge shall be so constructed as not to obstruct the free navigation of said river, and shall forever remain free from toll for passing the same.

Sec. 3. Any person or persons who shall do any wilful or malicious injury to said Bridge, shall be liable to the owner or owners thereof, for the amount of such damages to be recovered in any court of competent jurisdiction, and in addition thereto, upon complaint being made, may be punished as now provided by law.

Approved, April 2, 1853.

An Act to incorporate the Racine Car and Locomotive Manufacturing Company.

Chap. 275.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body corporate and politic by the name and style of the Racine Car and Locomotive Manufacturing

Constituted a body corporate.

Company, and by that name shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defend and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, may have a common seal and alter the same at pleasure, and by the same name shall be capable of purchasing, holding, and conveying any estate, real or personal property, for the use and benefit of said corporation.

Capital stock.

Sec. 2. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed to be personal property, and may be transferred in such manner as the by-laws of the company direct.

Powers of company.

Sec. 3. Said corporation shall have power to manufacture cars, locomotive engines for railroads, and such other engines, machinery, iron, brass and copper implements and wares, as they may deem proper, and to sell and dispose of the same at pleasure; may erect buildings and machinery for such manufacturing purposes, to be moved by steam or other power, on any lands in the city of Racine which are now or may hereafter be owned by said company; may in their corporate capacity and name make and execute to any person or persons or body corporate or politic, any and all writings, notes, bonds, mortgages, on real or personal property belonging to said company, in the due prosecution of their business, or as security for the loan of money borrowed by or due from said company to any person or persons, or body corporate; all of which said company is authorized to do, any law of this State to the contrary notwithstanding; but this section shall not be so construed as to confer banking powers upon said corporation.

Affairs managed.

Sec. 4. The property and affairs of said company shall be managed and conducted by a board of not less than three nor more than nine directors, who shall be elected annually, and who shall respectively be stockholders in said corporation, and who shall be elected as aforesaid by the stockholders, at such time and place as shall be directed by the by-laws of the corporation, each share of stock being entitled to one vote, and may be cast by the holder thereof or by proxy duly authorized. All such elections shall be by ballot, and the persons receiving the majority of votes cast shall be directors, and when any vacancy shall happen from any cause, it shall be filled for the remainder of the year in such manner as shall be pro-

vided for by the by-laws of the said corporation. The number of directors and how many shall constitute a quorum for the transaction of business, shall be determined by said by-laws.

Sec. 5. The said directors shall annually, after their election, elect one of their number President, whose duty it shall be to preside at the meetings of the board, and in case of his absence at any meeting, the directors present may elect a President pro tem. The directors shall have power to make and prescribe such by-laws, rules, and regulations respecting the management of the property, concerns, business, and stock of said corporation, as they may deem expedient and proper. All meetings for the transaction of business for the corporation shall be held at their office, which shall be located in the city of Racine, and the manner and times of calling meetings shall be prescribed in the by-laws of said company. The directors shall have power to appoint a Treasurer and Secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure, and fix the compensation and define the duties of all officers; they shall have power to decide the time, manner and proportions in which the stockholders shall pay the money due (or an equivalent therefor) on their respective shares, and to make such rules respecting the forfeiture of stock and shares as they may deem advisable; they shall also have power to appoint a time certain each year for the election of directors, but such election shall always be held at the office of said company, upon due notice to the stockholders of not less than thirty days before such election: *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any time upon a like notice being given to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

Officers of
company, and
duties of.

Sec. 6. Books for subscriptions to the capital stock of said company shall be opened at the office of Thomas Falvy, in the city of Racine, on the first Monday of April next, under the inspection of Thomas Falvy, C. W. Spafford, W. R. May, Charles S. Wright, N. D. Fratt, Russel Skinner, and A. P. Dickey, and a majority of whom may keep said books open from day to day, until at least fifty thousand dollars of said stock be subscribed for, when the said Falvy, Spafford, May, Wright, Fratt, Russel Skinner, and A. P. Dickey, may deliver to such subscribers said

Opening of
books.

book, and the said subscribers shall then proceed to elect the board of directors as herein provided for, and such directors, when so elected, shall at their first meeting determine the amount of capital of said corporation, which shall in no case exceed one hundred and fifty thousand dollars, and if such capital shall be fixed at any sum less than the last named amount, the same may at any time thereafter be increased, by a two-third vote of the said directors, at a regular meeting thereof, to any amount not in whole however exceeding the said sum of one hundred and fifty thousand dollars.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

Chap. 276.

An Act to incorporate the Fox River, Oconto, and Menominee Turnpike and Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Constituted a
body politic.

SECTION 1. That Philo Farnier, Gilbert C. Arnold, Otto Tank, John P. Arndt, Lewis B. Brainard, Thomas J. Bailey, Millard Lamb, Townsend Green, and Wales Periquin, and such other persons as shall associate with them and become stockholders pursuant to the provisions of this act, shall be and they are hereby created a body corporate and politic, in fact and in name, by the name and style of the Fox River, Oconto, and Menominee Turnpike and Plank Road Company, with perpetual succession, and by that name shall be known and shall have and possess all the privileges, franchises, and immunities incident to a corporation, to wit: They shall be capable in law of purchasing, conveying, leasing, and holding estate either real, personal or mixed, and in their corporate capacity or name may sue and be sued, may contract and be contracted with, may have and use a common seal, which they may alter at pleasure, and generally may do all and singular such matters and things as corporations are authorized by law to do for the promotion and furtherance of objects for which they were incorporated, and for the interest and well being of said company.

Capital stock.

Sec. 2. The capital stock of said company shall be eighty thousand dollars, to be divided into shares of twenty dollars each, and shall be assignable and transferable in such manner as shall be prescribed in the by-laws of said

company; any person may subscribe to pay his or her shares in labor or materials upon said road, under the supervision and direction of the board of directors: *Provided*, always, That five per cent in cash be paid on making such subscription to the stock of said company.

Sec. 3. Whenever three hundred shares of the capital stock of said company shall be subscribed for and distributed, and five per cent paid thereon, the commissioners named in the first section of this act, or a majority of them, shall call a meeting of the stockholders at such time and place as they shall designate, by giving public notice thereof in a newspaper published in Brown county, at least twenty days previous to the time of holding such meeting; the stockholders when thus convened shall elect by ballot seven of their own number as directors, one of whom the stockholders shall designate as President of said company, and the President and directors so chosen shall be a board to transact the business of the said company, and shall hold their offices one year and until others are chosen in their stead. At every election of said company, each stockholder shall be entitled to one vote for every share of capital stock he or she may hold, and may vote by person or by proxy.

First meeting
of stockhold-
ers.

Sec. 4. The directors shall make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this State, as may be necessary for the well ordering of the affairs of the said company, and a majority of those directors shall form a quorum for the transaction of business. In the absence of the President, the board may appoint a President pro tem.; the board shall also appoint a Secretary, Treasurer, engineers, and such other officers as they may deem necessary, and fix their compensation, and may demand adequate security of them for the performance of their respective duties; they shall have full power to decide the time and manner in which the stockholders shall pay the money and labor due on their respective shares, not exceeding twenty per cent at any one instalment, and to forfeit to the use of the said company the share or shares of every person failing to pay any instalment at a reasonable period, not less than thirty days after the time appointed for the payment thereof: *Provided*, That at least the period of sixty days shall intervene between the times of demanding the payment of any two instalments; the directors shall audit and pay all accounts, give and receive all such receipts and discharges of debt as shall be deemed best for the interests

Directors.

Proviso.

of said company; they may appoint and remove all officers constituted by them at pleasure, call meetings of the stockholders, and prescribe the times for holding such meetings, and declare and pay the dividends of the surplus profits of the company which may accrue on the shares of the said stock to the stockholders of said company, on the first days of July and January in each year.

Duties of commissioners.

Sec. 5. The commissioners, until the directors are chosen, shall perform all and singular the duties and trusts imposed by this act upon the directors of said company; they shall appoint a Chairman, Secretary, and Treasurer, the Chairman to be one of their own number, and until the directors are appointed according to the provisions herein contained; they shall, in fact, constitute a board of directors. The said commissioners shall issue certificates to the stockholders for the number of shares each stockholder may have subscribed for or hold in said company, and on which the five per cent shall have been paid, the certificates to be signed by the Secretary and countersigned by the chairman, and to be subject to all the payments due or to become due thereon.

Certificates of stock.

Route.

Sec. 6. The company, when so organized, shall have the right to locate and construct a single or double track turnpike or plank road commencing at or near the village of Fort Howard, in the county of Brown, on the west side of Fox river, pursuing the most direct and feasible route to the Oconto river at or near the falls of the said Oconto river, which falls are situated in town twenty-eight (28), north of range nineteen (19) east, in the Green Bay land district; the track of said road shall be constructed of timber and plank, charcoal, stone, or gravel, or partly of each, so as to have a hard, smooth, and even surface, the particular manner of building said road to be determined by the said board of directors.

How located.

Sec. 7. The location of said route shall be determined by the board of directors of said company, and if the same be located on any public highway, they shall have power to contract with the supervisors or other proper officers of the town in which said road may be, for the right to use said highway for the purpose of said road, and the said supervisors or other proper officers are hereby authorized to grant to such company the right to use any highway in the town as aforesaid, on such terms as they may agree upon, and the supervisors or other proper officers of any town or corporate village through which this road may pass, or at either of the termini thereof are hereby author-

ized to submit to the legal voters of such towns or villages, by putting up written or printed notices in not less than five public places in said town or village, in the vicinity of said road and at the place of holding elections, at least twenty days previous to the time the vote is to be taken, a distinct proposition to levy a tax upon the taxable property of said town or village, to aid in the construction of said road; the said proposition shall be submitted to be voted upon only at the general elections, held in the months of April and November, and the notices shall specify the amount to be raised by such tax, and if a majority of the electors of such town or village voting upon the subject shall determine by an affirmative vote to levy the tax agreeably to such proposition, then the amount so determined to be raised shall be subscribed for by the said town to the capital stock of said company, and the supervisors of said town or other proper officers shall have, in behalf of the said town or village, the same voice in managing the affairs of the said company as other stockholders, and all dividends arising from the investment of the said stock shall belong to and be paid into the treasury of such town or village: *Provided*, That the amount so proposed to be raised shall not exceed three per cent in one year upon the assessed value of the taxable property of the said town, and *Provided* further, that the aggregate amount so raised shall not exceed one third the cost of constructing the said road within the boundaries of said town.

Tax levied in aid of.

Provido.

Sec. 8. It shall be lawful for said company, their officers, engineers, or agents, to enter upon any lands for the purpose of exploring, surveying, or locating the route of said road, doing thereto no unnecessary damage, and when the location of said road shall be determined or fixed by said company, it shall be lawful for them, their officers, agents, engineers, contractors and servants, at any time to enter upon and take possession of and use such lands, to the width of four rods, and also to take from any land adjoining said road, timber, gravel, stone, and earth, for the purpose of constructing or repairing said road, subject however to such compensation as the company have agreed to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided.

Company may enter upon land.

Sec. 9. Whenever it shall be necessary for said company to enter upon and occupy for the purpose of constructing said road, any land upon which the same may be located, or to take from such land or the land adjoining

Compensation
for lands, &c.,
taken.

said road, any timber, gravel, stone, or earth, for the purposes of said road, and the owner or owners of the same shall refuse to permit such entry or occupation, or taking, and the parties cannot agree upon the compensation to be made for the injury to be done for such entry, occupation or taking, it shall and may be lawful for the parties to appoint three disinterested persons to estimate such damage, who shall be sworn fairly and impartially to estimate the same, and who shall reside in the county where the land lies; the expenses of such appraisal shall be paid by the company, but if the parties cannot agree upon such persons, or if the persons by them chosen cannot decide upon the matter, or if the owner of the land refuse or neglect to join in such appointment within twenty days after notice for such purpose upon him made, or if such owner shall be under a legal disability, or out of the State, then and in either of such cases it shall be lawful for the Judge of the Circuit Court of the county in which such lands lie, upon the application of either party, and at the cost and charge of the company, to appoint, and he shall appoint, three disinterested persons of the same to view the lands and estimate the damage or injury which will be sustained by reason of the entry or occupation or taking as aforesaid: *Provided*, That notice be given in some newspaper published in the county, at least twenty days before such view and estimate be made; the said appraisers shall, as early as practicable, report under oath to the Circuit Court of the county the amount of damages sustained by any party by reason of such entry as aforesaid, which report, being confirmed by the court, judgment shall be rendered therefor. The said appraisers shall be paid each two dollars per day for their services, by the company in all cases where said damages exceed the amount offered by said company previous to the appraisal, or to be paid by the other party when the sum awarded does not exceed the sum offered for damages by the company; the said appraisers shall in all cases take into the account in awarding damages, the benefits accruing to the person claiming damages in consequence of the building of said road. Upon the payment to the owners of said lands of the sum specified in the report of said appraisers, or upon depositing the said sum with the clerk of the Circuit Court of the county where said lands are situated, for the benefit of said owners, the said company may immediately enter upon, occupy, or take from said lands as hereinbefore provided.

Proviso.

Sec. 10. All meetings of the stockholders shall be called by publishing notices to that effect in one or more newspapers published in the counties where this road may be located, at least twenty days previous to the time of holding such meeting, and at each annual meeting of the stockholders for the purpose of choosing directors, the directors of the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of said company for such year, and special meetings of the stockholders may be called by the directors or by any number of the stockholders holding one fourth in amount of the capital stock of said company, but no business shall be transacted at any special meeting unless a majority in value of all the stock shall be then and there represented.

Notice to be given of meeting of stockholders.

Sec. 11. On the completion of the road to the Oconto river, the company is hereby authorized and empowered to extend their road in a northerly direction to the Menominee river, on the northern boundary of Wisconsin, and also a branch in a westerly direction to the falls of Wolf river, and thence to the Wisconsin river, at or near the village of Wausau, in the county of Marathon, and for this purpose the directors of the said company shall have power to increase the capital stock of the said company to any amount necessary for this purpose: *Provided*, The whole amount of the said capital stock shall not exceed two hundred and fifty thousand dollars.

Extension of road.

Sec. 12. The debts and liabilities of said company shall not exceed in amount at any one time the amount of its capital stock actually paid in, and if debts and liabilities shall at any time be incurred to a greater amount than by this section is provided for, the directors of the said company shall be jointly and severally liable for such excess in their private capacities.

Debts of company.

Sec. 13. On the completion of said road or any portion of the track, not less than three miles, the company may erect one or more toll gates upon their road, but not at a less distance than three miles apart, and may demand and receive such tolls as from time to time they may deem reasonable, not exceeding two cents per mile for every vehicle drawn by one or two animals, and one cent for every additional animal; for every horse and rider or led horse, one cent per mile; for every score of sheep or swine, one cent per mile; and for every score of neat cattle, two cents per mile.

Toll regulations.

Sec. 14. If any person shall knowingly or wilfully obstruct, break, injure, or destroy the road so constructed

Penalty for injuring the road. by said company, or any part thereof, or any work or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending shall each of them for every such offence be liable to a civil suit for the recovery of such damages by the said company as they may have sustained in consequence of such misdemeanor, in any court having competent jurisdiction in the county, and shall also be subject to indictment, and upon conviction for such offence shall be punished by fine and imprisonment, or either, at the discretion of the court. All prosecutions by indictment under the provisions of this section shall be commenced within one year from the time when such trespass was committed.

Condition of charter:

Sec. 15. If said company shall not within three years from the passage of this act commence the construction of said road, or shall not within ten years have completed a single or double track to the Oconto river, or if said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume the rights and privileges vested in said company, or may establish rules for the government of said company in the use of said road, and the said company shall be liable for all injury or damage done to any person or persons, or his or their property, in consequence of said road being out of repair, or for any defect thereof.

Penalty for passing gates without paying toll.

Sec. 16. Each toll gatherer may detain and prevent from passing any gate on said road, all persons riding, leading, or driving animals or carriages subject to tolls, until they shall have paid respectively as authorized by this act, and any person who shall forcibly or fraudulently pass any toll gate erected on said road pursuant to the provisions of this act without having paid the legal toll, and shall with his carriage, horse, or other vehicle or animal or animals, liable to toll, turn out of such road or pass any gate thereon on land adjacent thereto, and enter again upon said road, shall for such offence be liable to a fine not to exceed ten dollars, to be recovered in any court having jurisdiction thereof.

Sec. 17. This act shall be favorably construed to effect the purposes hereby intended, and the same is hereby declared a public act.

Approved, April 2, 1853.

An Act to tax Dogs.

The people of the State of Wisconsin, represented in Chap. 277. Senate and Assembly, do enact as follows :

SECTION 1. Every person who shall keep or own any dog, shall cause to be constantly kept about the neck of such dog (of the age of four months, and over), a collar with the name and place of residence of such owner or keeper, legibly marked on the same, and any person may kill any dog being without a collar as aforesaid. All dogs shall wear a collar.

Sec. 2. Every person shall present to the town clerk of his respective town between the first day of April and the first day of May in each year, a written description of each dog owned or kept by him, and a description of the collar worn by any dog so kept, and on the exhibition to the town clerk of a receipt from the town treasurer or other satisfactory evidence by the owner of any dog, that he has paid to the town treasurer fifty cents, as a tax by this act levied on each dog owned or kept by him, the town clerk shall file in his office such description of each dog so presented. description of dog to town clerk.

Sec. 3. Any person or family who shall own or harbor, any dog for twenty days without complying with sections one and two of this act, shall be subject to a penalty of five dollars which may be recovered in a suit to be brought before any Justice of the Peace, having jurisdiction thereof in the name of the State of Wisconsin with costs of suit, any such suit may be commenced, and prosecuted by any person having knowledge of the offence. Penalty for not complying with this act.

Sec. 4. One half of all fines collected under the provisions of this act may be paid to the prosecutor in each case. Fines.

Sec. 5. One half of all fines collected under the provisions of this act, shall be paid to the town treasurer of each town.

Sec. 6. All moneys received by the town treasurer under the provisions of this act, shall be appropriated by the said treasurer to the poor fund of each town, deducting therefrom five per cent to the treasurer. Poor fund.

Sec. 7. It shall be the duty of the treasurer of each town, as often as once in three months to apply for, and receive from any Justice of the Peace in his respective town all moneys paid to the Justice belonging to said town by virtue of this act, and this act shall be applicable in the county of Waukesha, only, and shall be in force from and after its passage. Duty of treasurer.

Approved, April 2, 1853.

Chap. 278. An Act to repeal Chapter 265 of the session laws of 1852, and revive Chapter 212 of the session laws of 1851.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Chapter two hundred and sixty five of the session laws of 1852, entitled an act to repeal chapter 212 of the session laws of 1851, be and the same is hereby repealed.

Sec. 2. Chapter two hundred and twelve (212) of the session laws of 1851, entitled "an act for the relief of the town of Alto" is hereby revived.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

Chap. 279. An Act to provide for the laying out of a certain State road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Edwin Hobert, Ira Parker and W. N. Davis are hereby appointed commissioners to lay out and establish a State road from the village of Mukwah, in the county of Waupaca to the village of Princeton in the county of Marquette ; *Provided*, That no part of the expenses of laying out said road shall be paid out of the State treasury.

Approved, April 2, 1853.

An Act to incorporate Newark Academy.

Chap. 280. *The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows :*

Incorporated. SECTION 1. William C. Barns, G. I. Whitcomb, S. F. Frisbee, Asa H. Hughes, H. L. Crampton, William McCracken, Edwin Coldwell, and their associates and successors are hereby declared and constituted a body corporate, by the name and style of Newark Academy, to be located in the village of Newark, in the county of Washington for the purpose of educating youth of both sexes.

May hold real estate. Sec. 2. Said corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded defend and be defended in all courts of law and equity, it shall have a common seal, and may alter and renew the same at pleasure, shall have power to acquire

purchase, receive, possess, hold and enjoy property, personal and real, and to sell, convey, rent, or otherwise lawfully dispose of the same at pleasure.

Sec. 3. The stock of said corporation shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of the corporation in such manner as shall be prescribed in its by-laws. Division of stock.

Sec. 4. The business matters of said corporation shall be managed by a board of seven trustees, a majority of whom shall constitute a quorum, said trustees shall be elected on the first Monday of June next at a meeting of the stockholders to be holden in the village of Newark, and shall hold their office for the term of one year, and until their successors are duly elected, each stockholder shall be entitled to one vote for every share by him owned after the first election, there shall be an annual meeting of the stockholders for the election of trustees, on the first Monday in June, at such place in such village as shall be designated by the trustees. Managed by trustees.

Sec. 5. The trustees shall have power to elect a President, secretary and treasurer from their number, to fill vacancies in the board of trustees, to sell, lease, mortgage, or otherwise to dispose of any real or personal property of said corporation, in such manner as they shall deem most conducive to the interests of said Academy, and to erect and keep in repair all necessary buildings for the use of the same, to prescribe and direct the course of study and discipline to be observed in said academy, and to make all rules, regulations and by-laws, necessary to carry into effect the powers herein granted, and not inconsistent with the constitution and laws of this State. Officers how elected.

Approved, April 2, 1853.

An Act to provide for the laying out of a State road therein named,

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 281.

SECTION 1. That Wm. Sylvester, P. M. Green, and B. B. Bentley are hereby appointed commissioners to lay out and establish a State road from the Marsh House, in the county of Adams, to Plover in Portage county, by way of Buena Vista, and said commissioners shall receive such

compensation for their services, as may be allowed by the board of supervisors of the counties through which said road runs; *Provided*, That no part of the expense shall be paid by the State.

Sec. 2. This act shall take effect immediately.

Approved, April 2, 1853.

Chap. 282

An Act to authorize the Commissioners of the school and University lands to convey a school house site.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The commissioners of the school and University lands are hereby authorized to issue a patent to school district No. six, in the town of Aztalan of nine rods square of the south east corner of lot No. four of section No. sixteen of township seven north of range fourteen east in Jefferson county.

Sec. 2. The State treasurer is hereby authorized to receive from the purchaser of said land so much of the principal sum for which said land was sold, as said nine square rods bears in proportion to the whole tract and upon such receipt to release said nine square rods and to certify the same.

Sec. 3. Before such sum of money shall be received and said nine rods of land released the original purchaser of said lot No. four, shall execute upon the back of the duplicate certificate on record in the office of said treasurer, a release of said nine square rods of land to said school district, and shall also present to said treasurer the original certificate and execute thereon a similar release to said district, and shall also satisfy said treasurer by his own oath or other evidence that said certificate has not been assigned.

Approved, April 2d, 1853.

Chap. 283.

An Act to amend an act entitled "an act to incorporate the Milwaukee and Humbolt Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Amendment.

SECTION 1. Section four of said act is hereby amended by striking out the words "one thousand," in the third line of said act, and inserting the words "four hundred," and by striking out the word "Humbolt," in the ninth

ine of said section, and inserting the word "Humboldt."

Sec. 2. The present organization of said Milwaukee and Humbolt Plank Road Company be and is hereby legalized and confirmed, and that all legal bona fide subscriptions to the capital stock of said company, all official acts of said company, all contracts or agreements made by said company, with any person or persons whatsoever, under the present organization of said company, not inconsistent with the laws of the State of Wisconsin or with the provisions of the charter of said company as hereby amended, be and are hereby declared legal and valid: *Present organization legalized.*
Provided, However, that nothing contained in this act shall in any way effect any suit heretofore commenced by or against the said company, or any right acquired or liability incurred heretofore by said company or any person by reason of any non-compliance by said company with the provisions of the act hereby amended. *Proviso.*

Approved April 2, 1853.

An Act to incorporate the Dodge county Fire and Marine Insurance Company.

Chap. 284.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. An insurance company to be called the Dodge County Fire and Marine Insurance Company, shall be established in the village of Beaver Dam, with a capital stock of one hundred thousand dollars, which may be increased at the will of the stockholders to an amount not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid for by individuals, companies, or corporations in the manner hereinafter specified. *Capital stock.*

Sec. 2. Judson Prentice, Stoddard Judd, John W. Davis, Abraham Ackerman, Stephen R. Lewis, Robert J. Norris, Daniel Bicknell, Louis E. Schuyler, and Samuel S. Rose, or any three of them, are hereby constituted and appointed commissioners to open books in the village of Beaver Dam, for subscription for the capital stock of said company, on the first Monday of May, A. D. 1853, and to keep said books open every day, from ten o'clock A. M. to three o'clock P. M., for the space of five days, when the same shall be closed. If within the said five days five hundred shares shall have been subscribed for, it shall be lawful for the subscribers to meet, after five days no- *Commissioners.*
First meeting.

tice, by publication in some newspaper in the village of Beaver Dam, and choose their directors, and may at any time after ten days public notice given, cause the subscription books to be opened, and to be continued open until the whole amount of stock shall have been taken.

Incorporated. Sec. 3. The subscribers for the stock of the company as aforesaid, their associates, successors, and assigns, shall be and they are hereby created, ordained, constituted, and declared a body corporate and politic by the name and style of the Dodge county Fire and Marine Insurance Company, and by that name they and their successors shall have perpetual succession, and shall be capable in law and in equity of contracting and being contracted with, of suing and being sued, of impleading and of being impleaded, of answering and being answered unto, of defending and being defended against, in all courts and places whatsoever, in all manner of actions and causes, suits and complaints, and they and their successors may have and use a common seal, which may be changed or altered at pleasure.

Manner of paying for stock. Sec. 4. The payment of the stock subscribed shall be made and completed by the subscribers respectively at the time and in the manner following, that is to say: after the election of the directors and before the company shall go into operation there shall be paid ten per cent; that is to say, ten dollars upon each share, and the balance upon each share shall be subject to the call of the directors, and the said company shall not be authorized to make any policy or contract of insurance until the whole amount of shares subscribed shall be actually paid, or shall be satisfactorily secured to be paid on demand, by approved notes, by hypothecated stocks, or by mortgages on real estate.

Powers of corporation. Sec. 5. The corporation hereby created shall have full power and authority to make all kinds of insurance against losses by fire, and the perils of the ocean and inland navigation, on goods, wares, and merchandize and property in course of transportation, whether happening on land or on water, to make all kinds of insurance upon lives, and to make such other insurance upon ships, steamboats and other vessels and their cargoes, goods, and merchandize, produce, gold and silver bullion and coin, also of lumber, whether shipped by rafts, floating, or by other means of transportation, to lend money upon respondentia and bottomry, to lend their surplus or unemployed money and capital on interest, at a rate not exceeding ten per centum

per annum, also said company shall have full power to buy and sell foreign and inland bills of exchange, to issue and guarantee the payment of promissory notes, bills of exchange, and other monied obligations, at the time they become due, to fix the premiums of such insurance, and in event of the company paying such notes, bills of exchange, or other monied obligations, in and by virtue of their insurance and guarantee thereof, said company shall become subrogated and in fact entitled to all the rights which said person or persons to whom said notes, bills and other monied obligations belonged at the time the same was insured and guaranteed by the said company, and said company shall have full power to enforce the payment of the same in all courts of justice, both of law and equity, to all intents and purposes as if said notes, bills, and other monied obligations were made payable to the said company. Said company shall at all times when deemed prudent by them, cause themselves to be insured against losses by fire, maratime and other risks, and upon any interest they may have in any vessel, ship, or steamboat, their cargoes, goods, wares, and merchandize, in virtue of any laws they may have made on bottomry or respondentia, or in virtue of any guarantee of any monied obligation, note, or bill of exchange, against all losses it may incur by reason of any insurance by said company, whether by fire, the perils of the ocean or seas, or inland navigation and transportation.

May insure themselves.

Sec. 6. The stock and affairs of said company shall be managed and controlled by a board of five directors, who shall be stockholders, and at least three of whom shall be residents of the State; they shall, after the first year, be elected on the first Monday of April in each and every year, at the office of the company in the village of Beaver Dam, and at such hours as the directors for the time being shall appoint, and shall hold their office for twelve months, until their successors be elected, ten days public notice of such election shall be given by publication; said election shall be held under the direction of three stockholders appointed by the directors, and shall be made by ballot by a plurality of the stockholders present, allowing one vote for every share, and stockholders not personally present may vote by proxy, made in writing and directed to the person representing them in said election. In case it should happen at any time that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall

Affairs of company managed by directors.

not for that cause be deemed dissolved, but it shall and may be lawful on any other day to make and hold an election of directors, in such manner as shall be regulated by the by-laws and ordinances of the said company.

President.

Sec. 7. The directors chosen regularly by the stockholders of said company, shall, as soon as may be after every general election, proceed to choose out of their body one person to be President, who shall preside until the next annual election thereafter, or in case of the death or resignation of the President or any director, the vacancy may be filled by the board of directors, and in case of the absence of the President the board of directors shall have power to appoint a President pro tempore, who shall have all the powers and perform all the duties of the President regularly chosen.

By-laws.

Sec. 8. The directors may, by the by-laws or ordinances of said company, direct what number of directors shall constitute a board, and be competent for the transaction of the business of the company as a corporation, and they shall have power subject to appoint from their own body one or more persons to act or assist in the performance of the business of the company, with such salaries and allowances as they may think proper, and also to appoint a Secretary and such clerks and other agents and servants as they may deem expedient; said company shall have power to make an agency or agencies, not exceeding five in number, to be located in this or any of the United States, which said agencies shall be conducted and conform strictly to this act and the laws and regulations governing said company; said agencies shall confine themselves strictly to the business of insurance under the powers herein granted to the said company, and shall be established, managed, and conducted under the direction of the directors of said company; a majority of the stockholders shall first agree to the creation of said agency or agencies, after which the same shall be under the direction of the directors of said company; said company shall have full power to declare and make dividends of the profits of the business arising from the company, and make and prescribe such by-laws, rules and regulations for the government and interests of the company, and a majority of the directors shall be necessary to make such by-laws.

Agencies.

Sec. 9. The stock of said company shall be considered personal property, and shall be assignable and transferable according to such rules and restrictions as the board of

directors shall from time to time make and establish, subject, however, always, to the laws of this State as the same now exist, or as the same may be changed.

Stock to be personal property.

Sec. 10. It shall be lawful for the said company to purchase and hold such real estate as may be convenient for the use of its business, not exceeding twenty thousand dollars worth, also take and hold any real estate as a security lien or mortgage, to secure the payment of debts due to said company, either for shares of capital stock or otherwise, also to purchase real estate at any sale made in virtue of any judgment at law or decree in equity, made in favor of said company, to declare and take in satisfaction of any debts due said company, until the same can be conveniently converted into money or personal property, to the use of the company so long as the interest of the company may be promoted by holding the same; said company shall not, however, employ any part of its capital stock in purchasing or selling goods, chattels, wares, and merchandize.

Property of company.

Restriction.

Sec. 11. All policies or contracts of insurance which may be made by said company, shall be subscribed by the President or the President pro tempore, and by such other officers as shall be designated for that purpose by the by-laws, and attested by the Secretary, and being so signed and attested shall be binding on the company, according to the tenor, interest, time and meaning of said policies, and contracts may be made, signed, and delivered without the presence of the directors, if done by the proper officers of said company, having power and authority by the by-laws to do and perform such acts for the company.

Policies.

Sec. 12. This act shall be, and is hereby declared to be, a public act, and the same shall be construed as such. This act shall take effect and be in force from and after its passage thereof, and continue in force and effect for the term of twenty-five years, to be renewed or discontinued after that time.

Declared a public act.

Sec. 13. After the expiration of the term for which this company is created, said company shall still have power to use its corporate name and style in the full adjustment and settlement of its business, to all intents and purposes.

Approved, April 2, 1853.

An Act for laying out a State Road therein named.

Chap. 285. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That Jacob S. Chambers, Matthias Devoe, and John Shaw are hereby appointed commissioners to lay out and establish a State Road, from the village of St. Marie, in Marquette county, running in a north-easterly direction, to intersect a road running from Poysippi to Little River, in Waushara county: *Provided*, That no part of the expense of laying out said road be paid by the State.

Sec. 2. This act shall take effect immediately.

Approved, April 2, 1853.

Chap. 286.

An Act to incorporate the Winnebago Rail Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Commission-
ers.

SECTION 1. Edward Eastman, Curtis Reed, W. H. Weed, E. D. Smith, A. G. Lull, E. Smith, D. C. Blodgett, W. P. Tygert, Gabrel Bouck, A. F. David, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Winnebago rail road company hereby incorporated, and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places, of taking such subscriptions by publishing the same daily in some newspaper printed in the county of Winnebago.

Capital stock.

Sec. 2. The capital stock of said company shall be one million of dollars, and shall be divided into ten thousand shares of one hundred dollars each, and as soon as one hundred shares shall have been subscribed, and five dollars on each share actually paid in, the subscriber of such stock, with such other persons as shall become stockholders in conformity with the provisions of this act, their successors and assigns shall be, and they are hereby created a body corporate and politic, by the name and style of the Winnebago rail road company, and by that name have perpetual succession and shall have and enjoy all the privileges, franchises and immunities incident to a corporation they shall be capable in law of purchasing, holding, selling, leasing and conveying estate either real, per-

Constituted a
body politic.

sonal or mixed, they may make, have, and use a common seal and alter break or renew the same at pleasure, and by that name may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of the said corporation.

Sec. 3. The said commissioners, or a majority of them, after the said one hundred shares of stock are subscribed, shall choose the books of subscription, and shall give at least thirty days notice in the newspapers hereinbefore mentioned of the time and place by them appointed for the stockholders to meet, for the purpose of electing thirteen directors, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors and until other directors are elected. First election
of directors.

Sec. 4. All of the affairs of the said corporation shall be managed by a board of 18 directors, who shall be stockholders, and who are hereby invested with all the powers of the said corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held on the first Wednesday of February, by the stockholders of the said company, on like notice as herein prescribed for the first election of directors. The votes shall be delivered in person or by proxy, duly authorized, and in all cases in which stockholders shall vote each share of stock shall be entitled to one vote and in all elections of directors, those stockholders equal to the number to be elected having the greatest number of votes shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company; If from any course an election of directors shall not be had, at the time when by the provisions of this act, it should be had, the same may be had at any other time on thirty days notice to be given as aforesaid, and until such election be had the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises or immunities, by the reason of the irregularity or want of such election. The board of directors may at any time increase or diminish the number of directors to be elected at the next annual meeting of the stockholders; *Provided* the number shall not be less than five, nor more than fifteen, and in case of such in- Affairs managed by board
of directors.

crease or diminution, the number to be elected shall be specified in the notice of election.

Directors,
powers and
duties.

Sec. 5. A majority of the board shall constitute a quorum for the transaction of any business, they shall meet at such time and place, and be convened in such manner as they shall decide upon, they shall elect by ballot one of their number to be president, who shall when present preside at all meetings of the directors, and when absent, the directors, may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents and other officers as they may find necessary, fix their compensation, and may demand adequate security for the faithful discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to reopen the books for subscription to the capital stock of the company or open new books under their own direction or the direction of a majority of them or under the direction of such person, or persons as they may designate, to decide upon the amount to be paid on such subscription, the time and manner and proportions in which the stockholders shall pay subsequent instalments on their respective shares, and to forfeit to the use of the company the share or shares of any person failing to pay any instalment so required, to regulate tolls, and charges for the transportation of freight and passengers, to make such covenants, contracts and agreements with any person or persons, copartnership or corporation whatsoever, as the execution and management of the works, and the convenience and interests of the company may require to make any contract or agreement which they shall think proper with any other rail road company for the leasing or purchase of the whole or any part of any rail road constructed, or to be constructed by such rail road company, to make and establish such by-laws, rules, orders, and regulations not inconsistent with the constitution, and laws of the United States, or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all of the operations, receipts, disbursements, and all other affairs and proceedings of said company.

Certificate of
stock.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders, for the number of shares held by them respectively in said corporation, signed by the president and secretary, and sealed with the common seal of the company, subject however to all the payments due

or to grow due thereon, which stock shall be transferable in such manner as shall be provided by the by-laws of said company.

Sec. 7. At each annual meeting of the stockholders for the election of directors, the directors of the preceeding year shall exhibit to the stockholders a complete statement of the affairs and proceedings of the company for such year, special meetings of the stockholders may be called by order of the board of directors or by stockholders holding one fourth in amount of the capital stock, on like notice, as that required for annual meetings specifying the object of the meeting. Statement of affairs.

Sec. 8. The said company shall have power to locate and construct a rail road with one or more railways or tracks from such eligible point in the village of Menasha to such eligible point in the village of Oshkosh, and thence to such point in the county of Fond du Lac as shall be determined upon by the said board of director, and the said company shall have power to transport, take, and carry property and persons upon said road, by the power and force of steam, of animals or of any mechanical or other power, or of any combination, of them, and to make, construct put in operation all such turn outs, side tracks, and connecting tracks, as they shall think will promote the interests of the company, warehouses, care houses and shops, engine shops, toll houses, machine shops, and all other fixtures, useful for the accomodation of said road, and of those using it, to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running said road, and they shall have power to connect the said rail road with any other rail road coming in contact therewith, and to operate the same, in connection with such other rail road and to lease or purchase from any other rail road company, the whole or any part of any rail road or branch railroad owned by such company, or to lease or to sell to any other company the whole or any part of the railroad or any of its branches to be built or owned by said company. Route.
Powers of company.

Sec. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sums of money from any persons, corporations, or body politic, of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, any law upon the subject of usury in this State, to the contrary notwithstanding; to make, execute, and de- May borrow money.

liver all necessary writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said corporation in consideration of any such loan or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road, and the powers of the said corporation for the purposes aforesaid and for all purposes necessary to carrying out the object of said company, namely the construction of a railroad, from and to the points, aforesaid, are hereby ratified and confirmed, and the contracts and official acts of said company are declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

Bridges.

Sec. 10. The said company are hereby authorized to construct such bridges as it may deem necessary.

May enter upon land.

Sec. 11. It shall be lawful for said company their officers, engineers and agents to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time to enter upon, take, possession of and use such land, not exceeding one hundred feet in width, along the line of said route, subject, however, to the payment of such compensation, as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided in such cases respectively, and it shall further be lawful for said company by their officers, engineers and agents, to enter upon lands adjacent to the railroad beyond the limits provided in this act, when necessary for the purpose of erecting depot, buildings, station houses, and necessary fixtures for the operation of the business of said road, and for the purpose of making drains and giving a proper direction to water courses, along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things, which might endanger, obstruct or interfere with the free use of said road and to deposit, earth, gravel and stone taken from deep cuts, and to obtain earth, gravel and other materials for embankments and structures necessary to the construction and repairs of said road, doing, however no unnecessary damage, and all damages which shall be done to any lands or property under the provisions of this section shall be ascertained and paid for in the manner and agreeably to the provisions of this act, and when such damage shall have been paid or tendered,

the title to the land occupied by such buildings, fixtures, excavations and embankments shall vest in fee simple in said company, agreeably to the provisions of this act, and it shall further be lawful for said company to purchase and hold in fee simple lands adjoining or adjacent to the railroad, for the purpose of procuring earth, gravel, or other materials for embankments and structures necessary to the construction and repairs of said road and necessary buildings, and whenever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

Sec. 12. The said company shall have the right to enter upon any lands required for their use as provided in the eleventh section of this act, and to survey and lay out said road, not exceeding one hundred feet in width, and the said company shall, if possible agree with the owner of said lands, as to the amount of compensation to be paid for said lands whether such person shall own or possess the legal or equitable title, to the same, or any lien or incumbrance on the same and if the person or persons owning or possessing the legal or equitable title, lien or incumbrance, shall be a minor, non compos mentis, insane, or married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman, and if said company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit: the said company shall select a disinterested arbitrator, and such owner, guardian or husband shall select another who shall be disinterested and not of kin to him, or if they should neglect or refuse for the space of three days after being notified by said company so to do, or if they be non-residents of this State, they shall be notified by mail, by letter signed by the Secretary and addressed to their usual place of residence, to select such arbitrators, and if they shall refuse or neglect, for the space of sixty days after mailing such letter, then in all cases of neglect or refusal as aforesaid, the Judge of the county court or chairman of the county board of supervisors of the county in which such land lie shall appoint three competent persons to act as arbitrators, who shall not be of kin to the claimants, or in any manner interested in said company, and the said arbitrators, having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said com-

Compensation
for lands how
fixed.

Procedure in
case of dis-
agreement.

pany to such persons, for the land so taken, and shall deliver a copy of their award in writing to each of the parties, and if the amount awarded by said arbitrators shall be more than said company had previously offered to pay, their said company shall pay all the expenses of said arbitration, and if it shall be less, then the other party shall pay such costs, and either party may within ten days after receiving a copy of such award, appeal from the same to the court of proper jurisdiction for the county in which such land is situated, by giving written notice of such appeal to some one of the arbitrators, and upon receiving such notice of appeal it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said cause on its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were by this act required to take into consideration, and the said court shall thereupon proceed to render judgment in favor of said claimant against said company, and if the amount so found for said claimant shall exceed the amount so found by said arbitrators, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said arbitrators, then judgment shall be rendered in favor of said company for costs, and against said claimant, and when such compensation, so to be ascertained according to the provisions of this act shall be paid or tendered to the party entitled to the same, the title to said land shall vest in said company in fee simple, and a copy of such award or judgment, filed in the office of the Register of Deeds of the county in which the lands lie, shall be sufficient evidence of such title, and the said company shall have full power and authority pending all such proceedings and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use occupy and enjoy the peaceable and uninterrupted possession of such lands for all the lawful purposes of said corporation, and they shall not while such proceedings shall be pending or until such refusal, be disturbed in such possession, use, occupancy, and enjoyment by any proceeding either at law or equity. The said arbitrators before entering upon their duty shall severally take and subscribe an oath to faithfully and honestly perform the duties of

their appointment, which oath shall be returned with their award.

Sec. 13. The said company may construct the said rail road across any public or private road, highway, stream of water, or water course, if the same shall be necessary, but the said company shall restore such road, highway, stream of water or water course to its former state or in a sufficient manner not to impair the usefulness of said road highway stream of water or water course to the owner or to the public. May cross highways.

Sec. 14. On the completion of said railroad, or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from time to time think reasonable.

Sec. 15. If any person shall wilfully and knowingly injure or destroy the rail road so to be constructed by said company, or any part thereof, or any work, building, or machinery attached to, or in use upon the same belonging to said company, or shall wilfully and maliciously place any obstructions or thing upon the track of said road, such person or persons so offending shall each of them for every such offence, forfeit, and pay a sum not exceeding three times the amount of the damages caused by such offence, which may be recovered, in the name of said company by action of debt in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment or either at the discretion of the court. Penalty for obstructing or injuring road.

Sec. 16. The said company before opening their road through enclosed grounds shall erect such fencing as shall preserve such enclosure entire, and shall before they commence to use their road as a rail road erect, a good and sufficient fence on both sides of their road through all such enclosed grounds and shall maintain the same. Shall make fence.

Sec. 17. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes thereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

Chap. 287.

An Act to authorize the town of Depere to aid in the construction of certain roads.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Board of supervisors authorized to borrow money

SECTION 1. The Board of Supervisors of the town of Depere are hereby authorized to subscribe for the town of Depere any amount not exceeding in the aggregate the sum of fifty thousand dollars to the capital stock of any companies authorized to construct rail or plank roads which terminate in or pass within one mile of the village of Depere, and to pay for the same in the bonds of said town, payable in twenty years, with interest, payable annually, at a rate not exceeding seven per cent, at any place in or out of the State.

Stock pledged to redeem bonds.

Sec. 2. The shares of Stock in said road companies, thus taken by said town, and all dividends arising from the same, are hereby irrevocably pledged for the payment of the interest and principal of said bonds; *Provided however*, That the board of supervisors of said town may sell such shares, but the proceeds thereof, and interest received thereon, shall still be pledged to pay the interest and principal of said bonds.

Road stock commissioner.

Sec. 3. The board of supervisors of said town shall annually appoint one road stock commissioner, who shall attend the annual or special meetings of the stockholders of said road companies for the election of directors thereof, and shall be entitled to cast one vote for every share of stock which said town shall hold in said road company, and in case of his absence or inability to attend, to appoint in writing under their hands, some other person who shall have the same power.

Condition of issuing bonds.

Sec. 4. No bond shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said town voting upon said question shall vote in favor of the same at an election called by the said board of supervisors for that purpose, to be held in the village of Depere; at such election those voting in favor shall vote a ballot with the words inscribed thereon "for the road" and those voting against, shall vote a ballot with the words inscribed thereon "against the road," four weeks previous notice of said election shall be given in a public newspaper printed in Brown county, and this act shall be pub-

lished therewith. Said election shall be conducted and the returns made and canvassed in the same manner as the annual town meetings of said town.

Sec. 5. This act shall take effect immediately.

Approved, April 2, 1853.

An Act to authorize the city of Watertown to loan its credit to certain Railroads.

Chap. 288.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. For the purpose of aiding in the construction of any railroad terminating at, passing through, commencing at, or which the said city may be a point, the Mayor and City Council of said city are hereby authorized to loan the credit of said city to the said railroad or railroads, in a sum not exceeding in the aggregate two hundred thousand dollars, and for that purpose the said Mayor and City Council of the city of Watertown are fully authorized and empowered to issue the bonds of said city in such form and for such sum or sums as they may think proper ; *Provided*, That the whole amount of such bonds shall not exceed in the aggregate the said sum of two hundred thousand dollars.

May issue bonds.

Sec. 2. The said bonds shall be executed by the mayor of said city, and countersigned by the clerk thereof, under the corporate seal of said city, and shall be redeemable in not less than ten or more than twenty years from the date thereof, and shall bear interest at a rate not exceeding eight per cent. per annum, payable semi-annually, and payable at such place or places in the city of New York or elsewhere, as the said mayor and city council shall direct.

How executed

Sec. 3. Before the issue of any such bonds the said Railroad company entitled to receive the same shall execute and deliver to the Mayor and city council of said city, their successor and assigns, for the use and benefit of said city, a bond under the corporate seal of said railroad company, duly executed in a penal sum of double the amount of the par value of the bonds of said city delivered to said railroad company, conditional that the said company shall punctually pay and discharge the principal and interest due or to become due on any bonds issued to the said railroad company, and shall fully indemnify and save harmless the said city against all payments, liabilities,

Company to give security for payment of principal and interest.

losses, damages and expences, which the said city may sustain or incur in consequence of the issue and delivery of any such bonds, and the mayor and city council of said city may before the delivery of any such bonds require such additional security from such railroad company for the faithful application of the proceeds of the said city bonds issued in aid of such company, upon the construction of said road, as in their opinion will be just and reasonable.

Sec. 4. The mayor and city council of said city shall not by virtue of any power conferred by this act, issue to any one railroad company a greater sum than fifty thousand dollars of the said city bonds, nor shall any bonds be issued to any railroad company until the issue of the same shall have been submitted to and been approved of by a majority of the qualified electors of said city voting on the question in the manner provided by this act.

Faith of city
pledged.

Sec. 5. For the payment of the principal and interest of any bonds issued by the said city, in pursuance of the provisions of this act, the faith of the said city is hereby firmly and irrevocably pledged.

Condition of
issuing bonds.

Sec. 6. No bonds shall be issued to any railroad company by virtue of the provisions of this act, until the question of issuing the same shall have been submitted to and approved of by a majority of the qualified voters of said city, voting on the question at such time or times, and in such place or places, and in such manner as the mayor and city council of said city shall direct, of which public notice shall be given of at least one week before voting on such proposition, by publishing the same in at least one of the newspapers printed in said city. Only one proposition shall be submitted to the said electors at any one election, and which shall state the amount of bonds proposed to be issued to such railroad company. The mayor and city council of said city shall determine the manner of conducting the said election and making returns of the same to the said mayor and council.

Approved, April 2, 1853.

Chap. 289.

An Act to authorize certain towns to aid in the construction of the Racine, Janesville and Mississippi Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The several Boards of Supervisors of the towns of Racine, in the county of Racine, and of the

towns of Elkhorn and Delavan, in the county of Walworth, are hereby authorized to subscribe for their respective towns, any sum of money, not exceeding in each case, the amount hereinafter named, to the capital stock of the Racine, Janesville and Mississippi Railroad company, and pay for the same, in the bonds of said towns, payable within twenty years, with interest payable annually in the city of New York, not exceeding seven per cent. to wit: the town of Racine, fifty thousand dollars, the town of Elkhorn, fifteen thousand dollars, and the town of Delevan, twenty five thousand dollars.

May subscribe
for stock.

Sec. 2. The shares of stock in such Railroad company, thus taken by said towns, and all dividends arising from the same, are hereby irrevocably pledged for the payment of the interest and principal of said bonds, *Provided*, however, that the Boards of Supervisors of said towns may sell such shares; but the proceeds thereof, and interest shall still be pledged to pay the interest and principal of said bonds.

Stock pledged.

Sec. 3. The Boards of Supervisors of said towns, whenever the same shall become necessary, shall annually levy a tax upon the taxable property of said towns, sufficient to pay the interest upon such bonds, after deducting the dividends due to such towns, on said shares of stock.

Tax to pay
interest.

Sec. 4. The boards of supervisors of each of said towns may annually appoint one Railroad commissioner, who shall attend the annual or special meetings of the stockholders of such Railroad company, for the election of Directors thereof, and shall be entitled to cast one vote for every share of stock which said towns shall hold in such Railroad company; and in case of the absence of such commissioner, or inability to attend, to appoint in writing, under their hands some other person who shall have the same powers.

Railroad com-
missioner.

Sec. 5. No bonds shall be issued in pursuance of the provision of this act, until a majority of the legal voters of said towns, voting upon said question, shall vote in favor of the same, at an election called by the said boards of supervisors for that purpose, to be held at the usual places of holding elections in said towns. At such election, those voting in favor, shall vote a ballot with the words inscribed thereon "For the Railroad." And those voting against, shall vote a ballot with the words inscribed thereon, "Against the Railroad." One weeks previous notice of said election shall be given, either in a newspaper printed in said towns, or by notice posted in three

Election.

public places in each of said towns. Said election shall be conducted, and ther returns thereof, made and canvassed in the same manner, as at the annual town meetings of said towns.

Sec. 6. This act shall take effect immediately.

Approved, April 2, 1853.

An Act to incorporate the German Dramatic Society of Milwaukee.

Chap. 290. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Incorporated. SECTION 1. Joseph Karz, Lewis Bruke, Julius Dremel, M. Grasler, their associates and successors, are hereby created a body corporate and politic, by the name of the "German Dramatic Society, of the city of Milwaukee," and by that name, to remain in perpetual succession, for the purpose of mutually performing German Plays of known, and established value, and thereby cultivating the taste of the public with power, for such purposes; to take by purchase, devise or otherwise, and to hold transfer and convey real and personal property to the amount of two thousand dollars, and they are further, hereby declared to be in law capable in their aforesaid corporate name, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places, and in all matters and causes whatsoever, and they may have a common seal, which they may alter and renew at pleasure.

Grant of power. Sec. 2. The said society shall have power to make such by-laws and regulations relative to the management, affairs, concerns and property of said society, relative to admission and expulsion of members, the time and manner of elections, the number and duties of officers, and relative to donations and contributions, and to alter matters of interest to the said society, as a majority of the members shall think proper, at any regular meeting of the said society, *Provided*, that such by-laws, rules and regulations be not contrary to, nor inconsistent with the laws of the United States, or of the State of Wisconsin.

May make by-laws, &c. Sec. 3. It shall be the duty of the persons named in the first section of this act, together with such other persons as they may associate with them for that purpose, within three months after the passage of this act, to hold a meeting or meetings in the city of Milwaukee, and to

Condition of charter.

organize said society under this act, by the election of officers, and the adoption of suitable by-laws, and regulations for their government.

Sec. 4. This act shall take effect from and after its passage.

Approved April 2, 1853.

An Act to authorize certain towns to subscribe stock in the Newbury, West Bend, Schleisingerville and Hartford Plank Road Company.

Chap. 291.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the supervisors of any town through which the Newbury, West Bend, Schleisingerville and Hartford Plank Road (Company) may be located, and of the towns at either end of said plank road, by and with the consent of a majority of the legal voters of said town, to be expressed as hereinafter provided, be and they are hereby authorized and required to subscribe, in the name and for the benefit of such town, to the capital stock of the the Newbury, West Bend, Schleisingerville and Hartford Plank Road Company, an amount not exceeding eight thousand dollars. Supervisors authorized to subscribe for stock.

Sec. 2. That the supervisors of said towns, for the purpose of paying the stock authorized to be subscribed for by this act, are hereby authorized to borrow the necessary amount of money, for which they shall issue the bonds or obligations of such towns, signed by the supervisors of the same, in amounts not less than fifty dollars, which bonds or obligations shall be made negotiable, bearing interest, payable annually at such place, and at such rate, not exceeding ten per cent per annum, as may be agreed upon, and such bonds or obligations may be made redeemable at such time as may be deemed expedient by said supervisors, or such bonds or obligations, or any part thereof, may be issued directly to said company in payment of said stock, as said supervisors and the officers of said company may agree. Shall issue bonds.

Sec. 3. That the said supervisors of such towns shall keep an accurate register of all bonds or obligations issued under the provisions of this act, showing the dates, numbers, and amounts thereof, to whom issued, when payable, and the rate of interest stipulated therein, and they shall also cause to be kept in the office of the town treasurer of their several towns such books and entries as will fully Shall keep register of bonds.

exhibit all liabilities, receipts, disbursements, and the precise state of indebtedness of such towns arising in any manner under this act.

Faith of town
pledged.

Sec. 4. That the faiths of any town subscribing for stock under this act, and the nett profits or dividends upon the stock so subscribed by said town, shall stand pledged for the payment of the indebtedness and interest which may become due from said town under this act; and it is moreover made the duty of the supervisors of such towns so subscribing under this act, to add and levy such per centum of tax upon the assessment roll of all the taxable property in such town annually, in addition to the ordinary taxes of such town, to be collected as other town taxes, as shall be sufficient, when added to the dividends or nett profits aforesaid, to pay the accruing interest, expenses, discounts, or any loans arising out of the sale of said bonds or obligations, or in any manner arising under this act, and likewise to provide a sinking fund of such amount as they may deem expedient, and the money so raised, when collected like other taxes, shall be applied to the purposes aforesaid and none other.

Supervisors
empowered
to vote.

Sec. 5. That the supervisors of any town so subscribing, by themselves or such agent or agents as they may appoint, shall have power to vote at all meetings of the stockholders of said plank road company, in proportion to the stock owned by such town, and in all other respects to act in the business of said company as individual stockholders in the same are authorized by law to do, and the said supervisors are hereby authorized, whenever they deem the same expedient, to sell and transfer any or all stock owned by such town in said company, in order to pay off the indebtedness which may accrue under this act, and the proceeds of such sale shall be applied to the extinguishment of an equivalent amount of indebtedness of the town created under this act.

Question to be
submitted to
voters.

Sec. 6. That before any stock shall be subscribed by the supervisors of any of the towns aforesaid, to the said plank road company, under the provisions of this act, the question shall be submitted to the qualified electors residing within the limits of such town in the manner following, that is to say; on the written application to the supervisors of any such town of twenty or more qualified electors of said town, which application shall specify the amount of stock they desire said supervisors to subscribe to the capital stock of said company for the benefit of said town, it shall be the duty of the supervisors of such town

to give notice, by posting up in five or more of the most public places in such town, at least ten days before the time specified in said notice for holding said election, a written or printed notice setting forth that on a certain day, and at a certain place therein mentioned, an election will be held in such town for the purpose of deciding whether the supervisors of said town shall subscribe in the name and for the benefit of said town, to the capital stock of the Newburg, West Bend, Schleisingerville and Hartford Plank Road Company the amount specified in the application aforesaid, which amount shall also be specified in said notice, and on the day and at the place specified in said notice, an election shall be had and a vote taken by ballot, and said election shall be held and conducted and the vote taken, canvassed, and returned in all respects as provided for the holding and conducting of town meetings, and each voter shall endorse upon his ballot the words "For subscription," or "Against subscription," and if it appears that a majority of the votes given are in favor of such subscription, the same shall be made in the manner provided in this act, but not otherwise.

Sec. 7. That the said supervisors, or one of them, shall make or cause to be made an affidavit or affidavits of the posting of the notices required in the foregoing section of this act, which affidavit or affidavits, together with the application in writing, also specified in the foregoing section, shall be by them deposited in the office of the town clerk of their respective towns, and recorded in his office, and the said affidavit or affidavits, and applications, or certified copies of the same, or a certified transcript of the record of the same, shall be taken and received in all courts of this State as conclusive evidence to prove the facts set forth and contained in the same.

Posting of
notices.

Sec. 8. That any two of the supervisors of the towns aforesaid may do or perform any act or thing which said supervisors are by this act authorized or required to perform.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved April 2, 1853.

Chap. 292.

An Act to incorporate the Baraboo and Wisconsin river Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission-
ers.

SECTION 1. B. L. Brier, Bela Warren, James Kneeland, James Ludington, James A. Maxwell, Hiram H. Rice, and R. H. Davis be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Baraboo and Wisconsin river Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital of said company, first giving ten days notice of the times and places of taking such subscriptions, by publishing the same in one or more newspapers printed in the county of Sauk.

Capital stock.

Sec. 2. The capital stock of said company shall be fifty thousand dollars, in shares of twenty-five dollars each, and as soon as five hundred shares of the capital stock shall be subscribed and five per cent of the amount thereof actually paid in, or secured to said company, the subscribers to said stock, with such other persons as shall thereafter associate with them for that purpose, their successors and assigns, shall be and they hereby are created and declared a body corporate and politic, by the name and style of the Baraboo and Wisconsin river Plank Road Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining and conveying estate, real, personal, or mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated company may by law do.

Created a
body politic
and corporate.

Notice to be
given of time
and place of
meeting.

Sec. 3. The said commissioners or a majority of them, after the said five hundred shares of stock shall have been subscribed as aforesaid, shall give notice to such subscribers or stockholders in such manner as they may deem proper, of the time and place of the meeting of the stockholders for the purpose of electing five directors, who shall hold their offices until their successors are elected, and annually thereafter, upon the first Wednesday in June, upon notice of the place of meeting being given by the directors, by publishing the same thirty days in a newspaper published in the county of Sauk, to be designated by the said directors, the said stockholders shall

meet to elect directors: *Provided*, That until the first election of directors, the said commissioners above named, upon the subscription of five hundred shares of stock, and the organizing of said commissioners by the election by them of one of their number President, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be completed as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors, or in the said board of commissioners, acting in the capacity of directors, the board shall have power to fill such vacancy: *Provided*, That from any cause an election shall not be held at the time specified therefor, the same may be held at any other time, on notice as aforesaid. Provisions.

Sec. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by their proxies duly authorized, and in all elections and in the decision of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections when the five persons having the greatest number of votes cast for directors shall be declared duly elected. Election of directors.

Sec. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number President and one Vice President, and they shall have power to appoint a Secretary and Treasurer, and such other officers and agents as they shall deem necessary, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove such officers and revoke the powers of said agents at pleasure, they shall also have power to make all necessary and proper by-laws, rules, and regulations for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws, not inconsistent with the constitution and laws of the State, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company and all persons interested therein, as if the same formed a part of this act of incorporation. Officers.

Powers of directors.

Further
powers.

Sec. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon, for failure to pay such instalments as may be called for, and also to accept in behalf of the company a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same valid releases, discharging them from all liabilities thereafter for or on account of the acts of said company or its officers.

Sec. 7. The said directors shall have power to regulate and receive tolls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution and management of the work and the interests and convenience of the company may require, and may issue to each stockholder a certificate or certificates for the shares which he, she, or they shall subscribe for, which certificate or certificates shall be signed by the President and countersigned by the Secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of the said company.

Route.

Sec. 8. The said company shall have power to locate and construct a single or double track road from such point on the Baraboo river, in or near the village of Baraboo, to such a point on the Wisconsin river as shall be determined upon by the directors. The track of said road shall be constructed of plank, stone, gravel, or either in whole or in part each, at the option of the directors, so that the same, when completed, shall constitute a firm and regular surface.

May enter upon
lands.

Sec. 9. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width along the line of said road, subject however to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *Provided*, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road,

Proviso.

the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of said road as may endanger said road by falling or otherwise.

Sec. 10. When said company shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purpose thereof, or for the compensation to be paid therefor, or when by reason of absence or legal incapacity of the owner or owners, no such agreement or purchase shall be made, then and in any such case it shall be lawful for any Justice of the Peace to issue a warrant, directed to the Sheriff or any constable of the county in which the land, gravel, stone, or other material is situated, not directly interested, requiring him to summon a jury of nine freeholders of his said county, not interested in said property, to meet the said Justice at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten from the date of said warrant, and if at the time and place named, any of the persons so summoned do not attend, the said constable or Sheriff shall immediately summon so many as may be necessary with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the Sheriff or constable shall for him, her, or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said Justice of the Peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required for said road, and all damages which the owner or owners shall sustain by the reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment, whereupon the said Justice and jurors shall proceed to view the said land or material so required, and to hear the evidence of the respective parties, which the said Justice shall reduce to writing, which shall be signed by the said Justice, and the verdict of the jurors thereon shall be signed by the jurors or a majority of them and by the Justice of the Peace, and the said Justice of the Peace shall, within five days thereafter, transmit the same to the clerk of the circuit court of the proper

Compensation

Proceedings
in case of dis-
agreement of
parties.

county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid, and such valuation, when paid, together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same, thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said road: *Provided*, That it shall not be lawful for any Justice or jury of inquest to proceed in the valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age, or non compos mentis. Such service of notice may be made upon the guardian or trustee, under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, That any party conceiving himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the circuit court of the county in which the property in question is situate, as in ordinary cases of appeal.

Proviso:

May construct road upon other thoroughfares.

Sec. 11. The directors shall have power, in their discretion, to construct said road along or upon any road or highway now or hereafter to be laid out, opened, and established by the proper authorities, and of such width and in such manner as the said directors shall determine: *Provided*, They procure by agreement with the supervisors of any town, the right to take and use any part of any public highway in such town for the construction of such proposed road, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor. Every such agreement with the supervisors shall be in writing, and shall be filed in the town clerk's office of the town, and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town. They may erect toll gates and exact toll from persons traveling on said road, not exceeding two

cents per mile for every vehicle, sled, sleigh or carriage drawn by two animals, and one cent per mile for each additional animal; for every vehicle drawn by one animal one and a half cent per mile; and for every horse and rider or led animal, one cent per mile; for one score of sheep or swine, two cents per mile; and for every score of neat cattle, at the rate of six cents per mile: *Provided*, That persons going to and from military parade at which by law they are required to attend, and persons going to or returning from funerals shall be exempt from toll: *Provided*, Said road is constructed along the shore of Devil Lake, the said company are hereby authorized to charge and receive additional toll on that portion of road which passes along the margin of said lake, at the rate of fifty cents for every vehicle drawn by two or more animals, and for every vehicle drawn by one animal, thirty cents, and for every animal and rider or led animal twenty cents. The toll gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll until the toll thereon is paid. Provisoes.

Sec. 12. The said directors may receive from any stockholder in said company, in lieu of money, for the stock subscribed by him, real or personal security or property, to be approved by said board of directors, and upon the acceptance of such security from said stockholders or any of them, the subscription of stockholders shall be considered as paid, and certificates of stock shall be issued to said stockholders in the same manner as if he had paid in the full amount of his subscription in money, and it shall be competent for the said stockholders paying their subscriptions to said stock in securities or property as aforesaid, to contract and pay to said company interest at the rate of twelve per cent per annum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages, or notes for such stock, which shall be available for the use and benefit of said company and for all subsequent holders thereof, and be transferable by them or any of them in the same manner as if the same were made payable to individuals, or to their order or assignees. Security for stock.

Sec. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road to be constructed by the said company, or any part thereof, or any work, building, or fixtures attached to or in use upon the same, belonging to said company, such person or persons Liabilities for injuring roads.

so offending shall each of them for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty for
breaking
gates.

Sec. 14. Any person who shall wilfully break down any gate on such road which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the toll, or to avoid the payment of the toll shall with his team, carriage, or animal, turn out of said road, or pass any gate thereon or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also be liable for all damages done to the profits of said company, in an action of trespass.

Increase of
stock.

Sec. 15. The directors of said company, at any annual or special meeting of the stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

Annual state-
ment.

Sec. 16. At each annual meeting of the stockholders for the purpose of choosing directors, the directors for the preceding year shall exhibit to the meeting a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by the directors, or by any number of stockholders holding one fourth in amount in capital stock of the company, by giving twenty days notice of the time and place of such meeting, specifying the object of such meeting, in a newspaper published in either of the counties through which said road is located: *Provided*, No business shall be transacted at such special meeting unless a majority in value of the stockholders shall attend in person or by proxy.

Proviso.

Sec. 17. This act is hereby declared to be a public act, and shall be in force from and after its passage, and copies thereof printed by authority of the State, shall be received as evidence thereof.

Approved April 2, 1853.

An Act to authorize certain towns to aid in the construction of the Milwaukee and Watertown Railroad.

Chap. 293.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The several Boards of Supervisors of the towns of Columbus, Hampden, Fountain Prairie, Otsego, and Lowville in the county of Columbia, are hereby authorized to subscribe for their respective towns any sum of money not exceeding in each case the amount hereinafter named, to the capital stock of the Milwaukee and Watertown Railroad Company, and pay the same in the bonds of said towns, payable within twenty years, with interest payable annually in the city of New York, not exceeding seven per cent, to wit: the town of Columbus, twenty-five thousand dollars; the town of Fountain Prairie, fifteen thousand dollars; the town of Otsego, ten thousand dollars; the town of Hampden ten thousand dollars, the town of Lowville, ten thousand dollars.

Board of supervisors may subscribe for stock.

Sec. 2. The shares of stock in said railroad company thus taken by said towns, and all dividends arising from the same, are hereby irrevocably pledged for the payment of the interest and principal of said bonds; *Provided*, however, That the Boards of Supervisors of said towns may sell such shares; but the proceeds thereof and interest shall still be pledged to pay the interest and principal of said bonds.

Stock pledged.

Sec. 3. The Boards of Supervisors of said towns whenever the same shall become necessary, shall annually levy a tax upon the taxable property of said towns, sufficient to pay the interest upon such bonds after deducting the dividends due to such towns on said shares of stock.

Tax to pay interest.

Sec. 4. The Boards of Supervisors of each of said towns may annually appoint one Railroad Commissioner, who shall attend the annual or special meetings of the Stockholders of said railroad company for the election of directors thereof, and shall be entitled to cast one vote for every share of stock which said towns shall hold in said railroad company; and in case of the absence of such commissioner or inability to attend, to appoint in writing under their hands, some other person, who shall have the same powers.

Railroad commissioner.

Sec. 5. No bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said towns, voting upon said question, shall vote in favor of the same at an election called by the said Boards of Supervisors for that purpose, to be held at the usual

Condition of issuing bonds:

places of holding elections in said towns. At such election those voting in favor shall vote a ballot with the words inscribed thereon, "for the railroad," and those voting against shall vote a ballot with the words inscribed thereon "against the railroad." One week's previous notice of said election shall be given either in a newspaper printed in said towns or by notice posted in three public places in each of said towns; said election shall be conducted and the returns thereof made and canvassed in the same manner as at the annual town meetings of the said towns.

Company to
give security.

Sec. 6. Before any bonds or the avails thereof shall be delivered to said railroad company, said company shall give security to said towns to the satisfaction of the several Boards of Supervisors thereof, that the monies arising from the sales of said bonds shall be faithfully applied to the building of that portion of their said railroad lying north and west of Watertown, and that said road shall be constructed through the village of Columbus in said county of Columbia.

Approved, April 2, 1853.

Chap. 294.

An Act to incorporate the Racine and Portage City Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Commission-
ers.

SECTION 1. A. Sage, James R. Doolittle, W. H. Waterman, S. Cary Tuckerman, William H. Lathrop, Ahas P. Dutton, Elisha Raymond, Clark W. Spaford, Reuben M. Norton, J. Munson Hill, Richard E. Ela, Samuel E. Chapman, Sewall Smith, Edward H. Ball, Emery Thayer, Orson Sheldon, Oscar F. Bartlett, J. E. Holmes, Jacob Burgit, H. B. Clark, Thoman McMahon, Simeon Ford, Daniel Coonan, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Racine and Portage city railroad company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and place of taking such subscriptions by publishing the same weekly in some public newspaper printed in the counties of Racine, Walworth, Jefferson, Dodge and Columbia.

Sec. 2. The capital stock of said company shall be twenty five hundred thousand dollars, and shall be divi-

ded into twenty-five thousand shares of one hundred dollars each, and as soon as three hundred shares shall have been subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall become stockholders in conformity with the provisions of this act, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of the Racine and Portage city railroad company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, or personal or mixed; they may make, have and use a common seal, and alter, break or renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend be defended, contract and be contracted wit, and generally may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of the said corporation.

Capital stock.

Incorporated.

Sec. 3. The said commissioners, or a majority of them, after the said three hundred shares of stock are subscribed as aforesaid, shall close the books of subscription, and shall give at least thirty days notice in the newspaper hereinbefore mentioned, of the time and place by them appointed for the stockholders to meet for the purpose of electing thirteen directors, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors and until other directors are elected.

Directors how elected.

§ Sec. 4. All the affairs of the said corporation shall be managed by a board of thirteen directors who shall be stockholders and who are hereby invested with all the powers of the said corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held on the first Wednesday of February, by the stockholders of the said company, on the notice as herein prescribed for the first election of directors. The votes shall be delivered in person or by proxy, duly authorized, and in all cases in which stockholders shall vote, each share of stock shall be entitled to one vote, and in all elections of directors those stockholders equal to the number to be elected having the greatest number of votes shall be deemed and declared duly elected. The elections shall be con-

Affairs managed by board of directors.

ducted in such manner as shall be prescribed by the by-laws of the company. If from any cause an election of directors shall not be had at the time when by the provisions of this act it should be had, the same may be had at any other time, on thirty days notice to be given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or loose any of its privileges, franchises or immunities by the reason of the irregularity or want of such election. The board of directors may at any time increase or diminish the number of directors to be elected at the next annual meeting of the stockholders; *Provided*, The number shall not be less than five nor more than fifteen and in case of such increase or diminution, the number to be elected shall be specified in the notice of election.

Proviso.

Officers.

Powers of directors.

Sec. 5. A majority of the board shall constitute a quorum for the transaction of any business, they shall meet at such times and places, and be convened in such manner as they shall decide upon, they shall elect by ballot one of their own number to be president, who shall when present preside at all meetings of the directors, and when absent the directors may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer and such engineer, superintendents, agents and other officers as they may find necessary, fix their compensation, and may demand adequate security for the faithful performance of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscription to the capital stock of the company or open new books under their own direction, or the direction of a majority of them, or under the direction of such person or persons as they may designate; to decide upon the amount to be paid on such subscription, the time, and manner and proportions in which the stockholders shall pay subsequent installments on their respective shares, and to forfeit to the use of the company, the share or shares of any person failing to pay any installments so required; to regulate tolls and charges for the transportation of freight and passengers; to make such covenants, contracts and agreements with any person or persons, co-partnership or corporation whatsoever, as the execution and management of the works, and the convenience and interests of the company may require; to make any contract or agreement which they

shall think proper with any other railroad company; to make and establish such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all of the operations, receipts, and disbursements and all other affairs and proceedings of said company.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the president and secretary, and sealed with the common seal of the company, subject however, to all the payments due and to grow due thereon, which stock shall be transferable in such manner as shall be provided by the by-laws of the company. Certificate of stock.

Sec. 7. At each annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to the stockholders a complete statement of the affairs and proceedings of the company for such year. Special meetings of the stockholders may be called by order of the board of directors or by stockholders holding one-fourth in amount of the capital stock on like notice as that required for annual meetings, specifying the object of such meeting. Statement of affairs.

Sec. 8. The said company shall have power to locate and construct a railroad with one or more railways or tracks, from such eligible point in the city of Racine by way of the village of Watertown in the counties of Jefferson and Dodge, to such eligible point in Portage city as shall be determined upon by the said board of directors, and the said company shall have power to transport, take and carry property and persons upon said road, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make, construct, put in operation all such turn-outs, side-tracks and connecting tracks as they shall think will promote the interests of the company, ware-houses, car-houses and shops, engine shops, toll-houses, machine shops and all other fixtures, useful for the accommodation of said road and of those using it, to manufacture or purchase all necessary engines, tenders, cars and other conveniences for running said road, and they shall have power to connect the said railroad with any other railroad or branch railroad coming in contact therewith, and to operate the same in connection with such other railroad or Route.

Powers of company.

branch railroads, and to lease or purchase from any other railroad company the whole or any part of any railroad or branch railroad owned by such company, or to lease or to sell to any other company, the whole or any part of the railroad or any of its branches, to be built or owned by this company.

Further powers.

Sec. 9. The said company is hereby authorized and fully empowered in its corporate capacity to borrow any sums of money from any person or persons, corporations or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, any law upon the subject of usury in this State to the contrary notwithstanding; and to make, execute and deliver all necessary writings, notes, bonds, mortgages or other papers and securities, in amount and kind as may be deemed expedient by said corporation in consideration of every such loan, or in discharge of any liabilities that it may incur in the construction repair, equipment or running of said road; and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carrying out the objects of said company, namely: the construction of a railroad from and to the points aforesaid, are hereby ratified and confirmed, and the contracts and official acts of said company are declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

Condition of the charter.

Sec. 10. If said corporation shall not within three years from the passage of this act commence the construction of said road, and in ten years from the time aforesaid complete the same, then the rights, privileges and powers of said corporation under this act shall be null and void.

May enter upon land.

Sec. 11. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them their agent, officers, engineers, contractors and servants at any time to enter upon, take, possession of and use such land not exceeding one hundred feet in width along the line of said route, subject however to the payment of said compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided in such cases respectively, and it shall further be lawful for said company, by their officers, engineers and agents to

enter upon lands adjacent to the railroad, beyond the limits provided in this act, when necessary for the purpose of erecting depot, buildings, station-houses and necessary fixtures for the operation of the business of said road, and for the purpose of making drains and giving proper direction to water courses across or along said road, when the same are necessary, beyond the limits of said road, and to remove all substances and things which endanger, obstruct or interfere with the free use of such road, and to deposit earth, gravel and stone taken from deep cuts, and to obtain earth, gravel and other material for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage, and all damage which shall be done to any land or property under the provisions of this section shall be ascertained and paid for in the manner and agreeably to the provisions of this act, and when such damage shall have been paid or tendered, the title to the lands occupied by such buildings, fixture, excavations and embankments shall vest in fee simple in said company, agreeably to the provisions of this act; and it shall further be lawful for said company to purchase and hold in fee simple, lands adjoining or adjacent to the railroad, for the purpose of procuring earth, gravel or other materials for embankments and structures necessary to the construction and repairs of said road and necessary buildings, and whenever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

Sec. 12. The said company shall have the right to enter upon any lands required for their use as provided in the eleventh section of this act, and to survey and lay out said road not exceeding one hundred feet in width, and the said company shall, if possible, agree with the owner of said lands, as to the amount of compensation to be paid for said lands, whether such persons shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same; and if the person or persons owning or possessing the legal or equitable title, lien or incumbrance, shall be a minor, non compos mentis, insane or married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman; and if said company cannot agree with such owner or with such guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit: the said company shall se-

Procedure in
case of dis-
agreement.

lect a disinterested arbitrator, and such owner, guardian or husband shall select another, who shall be disinterested and not of kin to him, or if they should neglect or refuse for the space of three days after being notified by said company, so to do, or if they be non-residents of this state, they shall be notified by mail, by letter signed by the secretary, and addressed to their usual place of residence, to select such arbitrators, and if they shall refuse or neglect for the space of sixty days after the mailing such letter, then in all cases of neglect or refusal as aforesaid, the judge of the county court or chairman of the county board of supervisors of the county in which such land shall lie, shall appoint three competent persons to act as arbitrators, who shall not be of kin to the claimants, or in any manner interested in said company, and the said arbitrators having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation, which shall be paid by said company to such persons, for the land so taken, and shall [deliver] a copy of their award in writing to each of the parties, and if the amount awarded by said arbitrators, shall be more than said company had previously offered to pay, then said company shall pay all the expenses of said arbitration, and if it shall be less then the other party shall pay such costs. And either party may, within ten days after receiving a copy of such award, appeal from the same to the court of proper jurisdiction for the county in which such land is situated, by giving written notice of such appeal to some one of the arbitrators, and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said case on its docket, setting down the claimant or claimants as plaintiffs, and the said company as defendants, and the said court shall proceed to ascertain the amount of compensation to be paid by such company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were by this act required to take into consideration, and the said court shall thereupon proceed to render judgment in favor of said claimant against said company; and if the amount so found by said claimants shall exceed the amount so found by said arbitrators, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said arbitrators, then judgment shall be rendered in favor of said company for costs, and against said claimant. And when such compensation, so

to be ascertained, according to the provisions of this act, shall be paid or tendered to the party entitled to the same, the title to said land shall vest in said company in fee simple, and a copy of such award or judgment filed in the office of the register of deeds of the county in which the lands shall lie, shall be sufficient evidence of such title, and the said company shall have power and authority pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use occupy and enjoy the peaceable and uninterrupted possession of said lands for all the lawful purposes of said corporation, and they shall not while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceeding, either at law or equity. The said arbitrators before entering upon their duty shall severally take and subscribe an oath to faithfully and honestly perform the duties of their appointment, which oath shall be returned with their award.

Sec. 13. The said company may construct the said Railroad across any public or private road, highway, stream of water, water course, if the same shall be necessary; but the said company shall restore such road, highway, stream of water or water course, to its former state or in a sufficient manner not to impair the usefulness of said road, highway, stream of water or water course, to the owner or to the public. May cross other roads.

Sec. 14. On the completion of said railroad or any section of the track, not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from time to time think reasonable. Freights, &c.

Sec. 15. If any person shall wilfully and knowingly obstruct, injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building, machinery, or other property attached to or in use upon the same belonging to the said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road, such person or persons so offending shall each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of the damages caused by such offence, which may be recovered in the name of said company, by action of debt in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to Penalty for obstructing or injuring road.

indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either at the discretion of the court.

Shall make
fence,

Sec. 16. The said company before opening their road through enclosed ground, [shall] erect such fencing as shall preserve such enclosure entire, and shall before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of their road through all such enclosed grounds and shall maintain the same.

Sec. 17. This act is hereby declared to be a public act, and shall be favorably construed to effect the purpose thereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof in all cases.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved April 2, 1853.

Chap. 295.

An Act to authorize John Barnard, his heirs, executors, administrators and assigns, to keep and maintain a Ferry across the Wisconsin River.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Right granted.

SECTION 1. John Barnard, his heirs, executors, administrators and assigns, shall have the exclusive right and privilege for the period of ten years of keeping and maintaining a ferry across the Wisconsin River, on section one, township eight, north of range four, east of the fourth principal meridian.

Ferriage.

Sec. 2. The ferry shall be subject to such regulations as other ferries are or may be by law subject, and the proprietor thereof shall be entitled to receive for crossing any vehicle drawn by two horses or one yoke of oxen, forty cents; for each additional horse or ox, ten cents; for a man and horse twenty-five cents; for cattle and horses in droves, eight cents each; *Provided*, hogs and sheep shall not be charged more than three cents per head, and foot passengers ten cents each.

Proviso.

Sec. 3. No ferry shall be licensed within two miles of the point where the ferry above provided shall be established.

Sec. 4. Any future Legislature may alter or repeal this act.

Approved, April 2, 1853.

An Act relating to the opening and improving of the Streets and fixing the bounds of a certain village therein named.

Chap. 296.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All streets included in the recorded plat of the village of East Troy, and all such streets as may be hereafter established, shall be under the care and superintendence of the Supervisors of the town of East Troy, and said Supervisors shall have power to direct the opening and making of said streets, and the removal of obstructions and encroachments in the same, and may also direct any portion of the highway tax levied in said village to be appropriated to the building of sidewalks or other improvement of said streets.

Streets placed under the care of supervisors.

Sec. 2. Whenever the Supervisors shall order any street opened or any obstructions or encroachments removed, and the same shall remain unopened or unremoved after thirty days notice to the person or persons who should open such street or streets, or remove such obstructions or encroachments, the said Supervisors may proceed to open the same or remove such obstructions and encroachments.

Removal of obstructions.

Sec. 3. Any person or persons refusing or neglecting to open any street or remove obstructions or encroachments within the time limited by the said Supervisors of the notice served on him, shall be liable for all expense of opening such street or removing such obstructions or encroachments, to be recovered by said Supervisors in a proper action against such person.

Neglect to comply with the order of supervisors.

Sec. 4. South street as described in the plot of said village is hereby extended from its westerly termination west along the south line of blocks 17 and 18 to the west line of block 18, and such extension is hereby declared a public street, the same as if it had been included in the original plat of said village.

South street.

Sec. 5. For the purpose of carrying out the provisions of this act, said Supervisors shall have the power to appoint a suitable person as overseer for said streets, who shall act under the direction of said Supervisors, and may place in his hands any portion of the highway tax of said village to be expended as they shall direct for the improvement of such streets.

Overseer.

Sec. 6. The Supervisors of said town shall have power to fix the bounds of said village of East Troy, with a view to the raising therein of a special tax for the improvement

Special tax.

Proviso:

of the streets of the same, and they may at their discretion, cause a special meeting of the legal electors within the village bounds so fixed as aforesaid, to be held for the purpose of levying a special tax for the object herein specified: *Provided*, That no such meeting shall be legal unless notice thereof be given at least six days prior to the time of said meeting, by posting written notices thereof in at least four conspicuous places within said village bounds, and provided further that the voting at such meeting shall be by ballot; also, that a majority of all the electors present from said village, at any such meeting, shall be required to raise said tax.

Sec. 7. The electors so meeting for the purpose of raising such tax as aforesaid, shall at the same time and place, elect by ballot some responsible person resident within the bounds of said village, under whose direction and supervision the tax list so raised shall be expended for the purposes aforesaid.

Sec. 8. This act shall take effect from and after its passage.

Approved, April 2, 1853.

An Act for the relief of a School District therein named.

Chap. 297. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The clerk of School District No. two, in the town of Fountain Prairie, in the county of Columbia, is hereby authorized and empowered to renew the tax warrants issued by the trustees of said district in the years 1851 and 1852.

Sec. 2. The treasurer of said district is hereby authorized to collect the amounts now remaining unpaid upon the tax lists to which said warrants were annexed, and to make return of the same in the manner now prescribed by law for the collection of school district taxes, and the town clerk is authorized to enter the taxes so returned in the next tax roll of the town, to be collected in the same manner as town and county taxes are collected.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

An Act to incorporate the Port Washington and Lake Winnebago Railroad Company.

Chap. 298.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That Jas. W. Porter, Milo M. Wheedon, Barnum Blake, S. Austin White, Homer Johnson, Mason C. Darling, Horatio N. Smith Curtis Reed, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Port Washington and Lake Winnebago railroad company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of such times and places by publishing the same weekly in public newspaper printed in the counties of Washington and Fond du Lac.

Commissioners.

Sec. 2. The capital stock of said company shall be five hundred thousand dollars, in shares of one hundred dollars each, and as soon as four hundred shares shall have been subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall become associated with them for that purpose their successors and assigns, shall be and they are hereby created and declared a body corporate and politic, by the name and style of the Port Washington and Lake Winnebago Railroad Company, with perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estates, either real, personal, or mixed, they may make, have and use a common seal, and alter break, and renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of the said corporation.

Capital stock.

Constituted a body politic.

Sec. 3. The said commissioners, or a majority of them, after the said four hundred shares of stock shall have been subscribed as aforesaid, shall close the books of subscription, and shall give at least thirty days notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the stockholders to meet for the

First election of directors.

purpose of electing nine directors, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Affairs managed.

Sec. 4. All of the affairs of the said corporation shall be managed by a board of nine directors, who shall be stockholders, and who are hereby invested with all the powers of the corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be on the fourth Monday of December in each year, by the stockholders of the said company, on like notice as herein prescribed for the first election of directors. The votes shall be delivered in person or by proxy duly authorized, and in all cases in which stockholders shall vote, each share of stock shall be entitled to one vote, and in all election of directors those stockholders equal to the number to be elected, having the greatest number of votes shall be deemed and declared duly elected.

Officers to hold over in case of no election.

The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If from any cause an election of directors shall not be held at the time when by the provisions of this act it should be had, the same may be had at any other time, on thirty days notice to be given as aforesaid, and until [such election] be had, the directors of the preceding year shall continue to act; and the corporation hereby created, shall not forfeit or loose any of its privileges, franchises or immunities by the reason of the irregularity or want of such election. The board of directors may at any time increase or diminish the number of directors to be elected at the next annual meeting of the stockholders; *Provided*, The number shall not be less than seven nor more than fifteen, and in case of such increase or diminution, the number to be elected shall be specified in the notices of election.

Proviso.

Quorum.

Sec. 5. A majority of the board shall constitute a quorum for the transaction of any business, they shall meet at such times and places, and be convened in such manner as they shall decide upon; they shall elect by ballot one of their own number to be President, who shall, when present, preside at all meetings of the directors, and when absent, the directors may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer, and engineers, superintendents, agents and other officers as they may find necessary, fix their compensation, and may demand adequate security for the faithful discharge of their respective duties and trusts, and may fill any vacancies

Directors, powers and duties.

which may occur in their own board. They shall prescribe the time, manner and proportions in which the said stockholders shall pay the money due on their respective shares, and to forfeit to the use of the company the share or shares of any person failing to pay any instalments so required; to regulate tolls and charges for the transportation of freight and passengers; to make such covenants, contracts, and agreements with any person or persons, copartnership, or corporation whatsoever, as the execution and management of the works convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company for the leasing or purchasing the whole or any part of any railroad constructed or to be constructed by such railroad company; to make and establish such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all of the operations, receipts, disbursements, and all other affairs and proceedings of said company.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the President and Secretary, and sealed with the common seal of the company, subject however, to all the payments due and to grow due thereon, which stock shall be transferable in such manner as shall be provided by the by-laws of the company. Certificates.

Sec. 7. At each annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to the stockholders a complete statement of the affairs and proceedings of the company for such year. Special meetings may be called by the board of directors, or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting. Annual statement.

Sec. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from such point in the town of Port Washington in the county of Washington, to such point in the town of Fond du Lac, in the county of Fond du Lac, as shall be determined upon by the said board of directors, and the said company shall have power to transport, take Route.

**Powers of
company:**

and carry property and persons upon said road by any power and force whatever, and to make, construct put in operation all such turnouts, side tracks, and connecting tracks, as they shall think will promote the interests of the company, and to erect and construct all such depots, station houses, ware-houses, car houses and shops, engine houses and shops, toll-houses, machineshops, and all other fixtures useful for the accommodation of said railroad, and of those using it; to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running said road, and they shall have power to connect the said railroad with any other railroad or branch railroad in this State, and to operate the same in connection with such other railroad, or branch railroad, and to lease or purchase from any other railroad company the whole or any part of any railroad or branch railroad owned by such company, or to lease or to sell to any other company the whole or any part of the railroad, to be built or owned by this company.

**May borrow
money.**

Sec. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sums of money from any person or persons, corporation, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, any law upon the subject of usury in this State, to the contrary notwithstanding; and to make, execute, and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said corporation, in consideration of any such loan or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running said road, and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carry out the object of said company, namely, the construction of a railroad from and to the points aforesaid, are hereby ratified and confirmed, and the contracts and official acts of said company are declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

**Condition of
charter.**

Sec. 10. If said corporation shall not within three years from the passage of this act commence the construction of said road, and in ten years from the time aforesaid complete the same, then the rights, privileges, and powers of said corporation under this act, shall be null and void.

Sec. 11. It shall be lawful for said company, their officers, engineers, and agents to enter upon any land for the purpose of exploring, surveying, and locating the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such land, not exceeding one hundred feet in width along the line of said route subject however to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided in such cases respectively, and it shall further be lawful for said company, by their officers, engineers, and agents, to enter upon lands adjacent to the railroad, beyond the limits provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation of the business of said road, and for the purpose of making drains and giving a proper direction to water courses, across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel, and stone taken from deep cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage, and all damage which shall be done to any lands or property under the provisions of this section shall be ascertained and paid for in the manner and agreeably to the provisions of this act; and when such damage shall have been paid or tendered, the title to the land occupied by such buildings, fixtures, excavations and embankments shall vest in fee simple in said company, agreeably to the provisions of this act, and it shall further be lawful for said company to purchase and hold in fee simple, lands adjoining or adjacent to said railroad, for the purpose of procuring earth, gravel or other material for embankments or structures necessary to the construction and repairs of said road, and necessary buildings; and whenever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

May enter up-
on lands.

Condition of
title.

Sec. 12. The said company shall have the right to enter upon any lands required for their use as provided in the eleventh section of this act, and to survey and lay out said

Width of land for road: road, not exceeding 100 feet in width, and the said company shall, if possible, agree with the owner of said lands as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same, and if the person or persons owning or possessing the legal or equitable title, lien or incumbrance shall be a minor, non compos mentis, insane, or married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman, and if said company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit: the said company shall select a disinterested arbitrator, and such owner, guardian or husband shall select another, who shall be disinterested, and not of kin to him, or if they should neglect or refuse for the space of three days after being notified by said company so to do, or if they be non-residents of this state, they shall be notified by mail, by letter signed by the secretary, and addressed to their usual place of residence, to select such arbitrators, and if they shall refuse or neglect for the space of sixty days after mailing such letter, then in all cases of neglect and refusal as aforesaid, the Judge of the Circuit Court, of the County in which such land shall lie, shall appoint the competent persons to act as arbitrators, who shall not be of kin to the claimant, or in any manner interested in said company, and the said arbitrators, having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation, which shall be paid by said company to such person for the land so taken, and shall deliver a copy of their award in writing to each of the parties, and if the amount awarded by said arbitrators, shall be more than said company shall have previously offered to pay, then said company shall pay all the expenses of said arbitration; and if it shall be less then the other shall pay such costs; and either party may within ten days after receiving a copy of such award appeal from the same to the circuit court of such county by giving written notice of such appeal, to one of the arbitrators, and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said cause on its docket, setting down the claimant or claimants as plaintiff and the said company as defendant, and said court shall proceed to ascertain the amount of compensation to

Proceedings
where land
belongs to
minors, &c.

be paid by said company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were by this act required to take into consideration, and the said court shall thereupon proceed to render judgment in favor of such claimant against said company, and if the amount so found for such claimant shall exceed the amount so found by said arbitrators, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said arbitrators, then judgment shall be rendered in favor of said company for costs and against said claimant, and when such compensation so to be ascertained according to the provisions of this act, shall be paid or tendered to the party entitled to the same, the title to said land shall vest in said company in fee simple, and a copy of such award or judgment, filed in the office of the register of deeds of the county in which the lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of said lands for all the lawful purposes of said corporation, and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceedings either at law or equity.

Sec. 13. The said company may construct said railroad across any public or private road, highway, stream of water or water-course, if the same shall be necessary, but the said company shall restore such road, highway, stream of water or water-course to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, stream of water or water course to the owner or to the public. May cross highways.

Sec. 14. On the completion of said railroad or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from time to time think reasonable. May receive money for passage or freight.

Sec. 15. The said company shall have power to connect said railroad and operate the same with other railroads in the State of Wisconsin, and consolidate the capital stock of said company with the capital stock of any railroad company with which the roads of said companies shall intersect; and shall have full power to place the road of the May connect with other roads.

company and its capital stock so consolidated, under the direction of a joint board of directors of not less than nine nor more than fifteen, to be chosen as the directors of the companies consolidating their capital stock shall direct and agree upon.

Penalty for
injuring the
road.

Sec. 16. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building or machinery attached to or in use upon the same, belonging to said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road such person or person so offending, shall each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of the said company by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and such person or persons so offending shall also be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either at the discretion of the court.

Shall fence
road.

Sec. 17. The said company before opening their road through enclosed ground, shall erect such fencing as shall preserve such enclosure entire, and shall before they commence to use their road as a railroad erect a good and sufficient fence on both sides of the road through all such enclosed grounds, and shall maintain the same.

Sec. 18. This act is hereby declared to be a public act, and shall be favorably construed to effect the purpose thereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof in all cases.

Sec. 19. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

An Act to authorize certain towns to subscribe stock in the Port Washington and Newbury Plank and Turnpike Road Company.

Chap. 299.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the Supervisors of any town through which the Port Washington and Newbury Plank and Turnpike Road may be located, and of the towns at either end of said plank road, by and with the consent of a ma-

majority of the legal voters of said town, to be expressed as hereinafter provided, be and they are hereby authorized and required to subscribe in the name and for the benefit of such town, to the capital stock of the Port Washington and Newburg Plank and Turnpike Road Company, an amount not exceeding eight thousand dollars.

Supervisors authorized to subscribe for stock.

Sec. 2. That the Supervisors of said towns, for the purpose of paying the stock authorized to be subscribed for by this act, are hereby authorized to borrow the necessary amount of money for which they shall issue the bonds or obligations of such towns, signed by the Supervisors of the same, in amounts not less than fifty dollars, which bonds or obligations shall be made negotiable, bearing interest, payable annually, at such place and at such rate, not exceeding ten per cent. per annum, as may be agreed upon, and such bonds or obligations may be made redeemable at such time as may be deemed expedient by said supervisors, or such bonds or obligations, or any part thereof, may be issued directly to said company in payment of said stock, as said supervisors and the officers of said company may agree.

May borrow money.

Sec. 3. That the said supervisors of such towns shall keep an accurate register of all bonds or obligations issued under the provisions of this act, showing the dates, numbers and amounts thereof, to whom issued, when payable, and the rate of interest stipulated therein: and they shall also cause to be kept in the office of the town treasurer of their several towns, such books and entries as will fully exhibit all liabilities, receipts, disbursements, and the precise state of indebtedness of such towns arising in any manner under this act.

Shall keep a register of bonds issued.

Sec. 4. That the faith of any town subscribing for stock under this act, and the nett profits or dividend upon the stock so subscribed by said town, shall stand pledged for the payment of the indebtedness and interest which may become due from said town under this act, and it is moreover made the duty of the supervisors of such towns so subscribing under this act, to add, and levy such per centum of tax upon the assessment roll of all the taxable property in such town annually, in addition to the ordinary taxes of such town, to be collected as other town taxes, as shall be sufficient, when added to the dividends or nett profits aforesaid, to pay the accruing interest, expenses, discounts, or any loans arising out of the sale of said bonds or obligations, or in any manner arising under this act, and likewise to provide a sinking fund of such amount as

Faith of town pledged.

they may deem expedient, and the money so raised, when collected like all other taxes, shall be applied to the purposes aforesaid, and none other.

Supervisors to vote in meetings of stockholders. Sec. 5. That the supervisors of any town so subscribing, by themselves or such agent or agents as they may appoint, shall have power to vote at all meetings of the stockholders of said Plank and Turnpike Road Company, in proportion to the stock owned by such town, and in all other respects to act in the business of said company as individual stockholders in the same are authorized by law to do, and the said supervisors are hereby authorized, whenever they deem the same expedient, to sell and transfer any or all stock owned by such town in said company, in order to pay off the indebtedness which may accrue under this act, and the proceeds of such sale shall be applied to the extinguishment of an equivalent amount of the indebtedness of the town, created under this act.

Question submitted to the people. Sec. 6. That before any stock shall be subscribed by the supervisors of any of the towns aforesaid, to the said Plank and Turnpike Road Company, under the provisions of this act, the question shall be submitted to the qualified electors residing within the limits of such towns, in the manner following, that is to say: on the written application to the supervisors of any such town, of twenty or more qualified electors of said town, which application shall specify the amount of stock they desire said supervisors to subscribe to the capital stock of said company, for the benefit of said town, it shall be the duty of the supervisors of such town, to give notice by posting up in five or more of the most public places in such town, at least ten days before the time specified in said notice for holding said election, a written or printed notice, setting forth that on a certain day, and at a certain place therein mentioned, an election will be held in such town for the purpose of deciding whether the supervisors of said town shall subscribe in the name and for the benefit of said town, to the capital stock of the Port Washington and Newburg Plank and Turnpike Road Company, the amount specified in the application aforesaid, which amount shall also be specified in said notice, and on the day and at the place specified in said notice, an election shall be had and a vote taken by ballot, and said election shall be held and conducted, and the vote taken, canvassed and returned in all respects as provided for the holding and conducting of town meetings; and each voter shall endorse upon his ballot the words "for the subscription," or "against the

subscription," and if it appears that a majority of the votes given are in favor of such subscription, the same shall be made in the manner provided in this act, but not otherwise.

Sec. 7. That the said supervisors, or one of them, shall make or cause to be made an affidavit or affidavits of the posting of the notices required in the foregoing section of this act, which affidavit or affidavits, together with the application in writing, also specified in the foregoing section, shall be by them deposited in the office of the town clerk of their respective towns, and recorded in his office, and the said affidavit or affidavits, and applications, or certified copies of the same, or a certified transcript of the record of the same, shall be taken and received in all courts of this State as conclusive evidence to prove the facts set forth and contained in the same. Posting notices.

Sec. 8. That any two of the supervisors of the towns aforesaid may do or perform any act or thing which said supervisors are by this act authorized or required to perform.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved April 2, 1853.

An Act to incorporate the Racine Gas Light Company.

Chap. 300.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate, by the name and style of the Racine Gas Light Company, and by that name shall be capable in law of suing and being sued, and pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, may have a common seal and alter the same at pleasure, and by the same name shall be capable of purchasing, holding and conveying any estate, real, personal or mixed, for the use and benefit of said corporation. Incorporated.

Sec. 2. The capital stock of said corporation shall be one hundred thousand dollars, in shares of fifty dollars each, and shall be deemed personal property, and may be Capital stock.

transferred in such manner as the by-laws of the company direct.

Powers of corporation. Sec. 3. Said corporation shall have power and full and exclusive authority to manufacture, make and sell gas to be made from any and all the substances or a combination thereof, from which an inflammable gas is obtained for the purpose of lighting the city of Racine or the streets thereof, or any building, manufactories, public places or houses therein contained, and to erect all necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in any of the streets, avenues; *Provided*, That no permanent injury shall be done to any street, highway, lane or alley in said city.

Proviso.

Affairs of company managed by directors. Sec. 4. The property and affairs of said company shall be managed and conducted by a board of not less than three nor more than nine directors, who shall be elected annually, and who shall respectively be stockholders in said corporation, and who shall be elected by the stockholders at such time and place as shall be directed by the by-laws of the corporation, each share of stock being entitled to one vote, and may be cast by the holder thereof, or by proxy duly authorized; all such elections shall be by ballot, and the person receiving the majority of the votes cast shall be directors, and when any vacancy shall happen from any cause it shall be filled for the remainder of the year in such manner as shall be provided for by the by-laws of the said corporation; the number of directors and how many shall constitute a quorum for the transaction of business, shall be determined by said by-laws.

President.

By-laws.

Sec. 5. The said directors shall annually after their election elect one of their number president, whose duty it shall be to preside at the meetings of the board, and in case of his absence at any meeting, the directors present may elect a president pro tem. The directors shall have power to make and prescribe such by laws, rules and regulations respecting the management of the property, concerns, business and stock of said corporation as they may deem expedient and proper; all meetings for the transaction of business for the corporation shall be held at their office, which shall be located in the city of Racine, and the manner and times of calling meetings shall be prescribed by the by-laws of said company; the directors shall have power to appoint a treasurer and secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure, and fix the compensation, and define the duties of all officers.

They shall have power to decide the time, manner and proportions in which the stockholders shall pay the money due (or an equivalent therefor) on their respective shares, and to make such rules respecting the forfeiture of stock and shares as they may deem advisable; they shall also have power to appoint a time certain each year for the election of directors. but such election shall always be held at the office of said company upon due notice to the stockholders, of not less than thirty days before such election, published in one newspaper in the city of Racine. *Provido.* *Provided,* That if for any cause such election shall not be held at the time appointed, the same may be held at any time upon a like notice being giving to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

Sec. 6. Books of subscription to the capital stock of said company shall be opened at Congress Hall in said city of Racine on the first Monday of May next under the inspection of Nelson Pendleton, Reuben McNorton, Elisha Raymond Talmadge Stevens, William T. Richmond, Henry J. Ullman and Lucas Bradley, as commissioners, and a majority of whom may keep said books open from day to day, until at least ten thousand dollars of said stock be subscribed for, when the said commissioners may deliver to such subscribers said books, and the said subscribers shall then proceed to elect the board of directors as herein provided for, (but ten days notice shall be required for said election) and such directors when so elected shall at their first meeting determine the amount of capital of said corporation, which shall in no case exceed one hundred thousand dollars, and if such capital shall be fixed at any sum less than the last named amount, the same may at any time thereafter be increased by a two-third vote of the said directors at a regular meeting thereof, to any amount not in whole however exceeding the said sum of one hundred thousand dollars. *Commissioners.*

Sec. 7. If any person shall wilfully do or cause to be done any act or acts whatsoever to injure any machine, pipe or structure whatsoever, or anything appertaining to the works of said corporation, whereby the same may be stoped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor and being convicted, shall be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding two years, or both; *Penalty for injuring machinery.* *Provided,* such criminal

prosecution shall not in any wise impair the right of said company for damages by a civil suit hereby authorized to be brought for any such injury as aforesaid by and in the name of said corporation, in any court of the state having competent jurisdiction of the same.

May borrow
money.

Sec. 8. The said corporation are hereby authorized and empowered in their corporate capacity to borrow any sum or sums of money from any person or persons, corporations or body politic of any kind, and make and execute in their corporate name all necessary writings, notes, bonds or other papers, and make and execute and deliver such securities in amount and kind as may be deemed expedient by said corporation for all purposes in carrying out the objects of this company; and the official acts of said company are hereby declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

Sec. 9. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State shall be received as evidence thereof.

Sec. 10. This act shall take effect from and after its passage.

Approved April 2, 1853.

An Act to authorize the county of Marathon to aid in certain improvements on the Wisconsin River.

Chap. 301. *The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Supervisors to
subscribe to
the capital
stock, &c.

SECTION 1. The board of Supervisors for the county of Marathon, are hereby authorized and empowered, and it is hereby made the duty of the said board, to subscribe in the name of said county, to the capital stock of the little Bull Falls improvement and steam navigation company, incorporated by act of the legislature of the State of Wisconsin, and Approved April 14th, 1852, the sum of ten thousand dollars, *Provided*, that no stock shall be subscribed as aforesaid by the said board of supervisors, until the said company shall have been duly organized, nor until bona fide subscriptions shall have been received to the capital stock of said company to the amount of five thousand dollars, and as soon as said company shall have

been organized as aforesaid, and shall have received subscriptions to its capital stock to the amount hereinbefore specified, then the said board of supervisors shall subscribe as aforesaid, to the capital stock of said company, to the amount hereinbefore specified.

Sec. 2. To provide for the payment of the subscriptions of the said county of Marathon to the capital stock of the said company, the said board of supervisors for the said county of Marathon, shall issue the bonds of the said county to the amount of ten thousand dollars, as hereinbefore mentioned. The said bonds shall be made payable at such place as the said company may desire, in not less than ten, nor more than thirty years, and shall bear an interest of seven per cent. per annum, payable annually, at the place where said bonds shall be made payable, and shall be received at par in payment of the subscriptions of the said county, to the capital stock of the said company. Said bonds shall be signed before issued, by the chairman of the board of supervisors for the said county of Marathon, and countersigned by the clerk of the said board of supervisors, and entered upon the records of their proceedings. Said bonds, when signed and countersigned as aforesaid, shall be, in the hands of any bond fide bearer of the same, full and complete evidence, both in law and equity, to establish the indebtedness of the said county of Marathon, according to the tenor and effect of said bonds: *Provided*, that no bonds shall be issued as aforesaid, except as they may be required to pay the installments as they may become due on the stock subscriptions of the said company.

May issue bonds in payment for stock.

Sec. 3. It is hereby made the duty of the board of supervisors of the said county of Marathon, or such other officer or officers as are, or may be required by law, to levy the taxes in said county, to levy an annual tax upon all the taxable property in said county, to be collected in cash by the same officers, and in the same manner that State taxes are levied and collected, sufficient to pay the annual interest upon the said sum of ten thousand dollars, or so much thereof as shall be due upon the said bonds, issued as aforesaid; and in the year previous to that in which the principal sum so secured, to be paid by the said bonds, or any part thereof, shall become due, it shall be the duty of the said board of supervisors or other officer or officers, to levy additional tax upon all the taxable property of said county, to pay the principal sum or sums due on said bonds: *Provided*, that instead of levying a tax as

Tax levied in aid of.

Proviso.

aforesaid, the said board of supervisors may, at any time before the first yearly interest on the said bonds, issued as aforesaid shall become due, issue the bonds of the said county in manner aforesaid, for a further sum sufficient to meet the first year's interest aforesaid; which bonds shall be negotiated for cash, on as reasonable terms as may be had, and the proceeds thereof, or so much as may be necessary, applied to the payment of the said first years interest.

Bonds to be countersigned.

Sec 4. It is hereby made the duty of the clerk of the board of supervisors for Marathon county, to countersign all bonds so issued as aforesaid by the said board of Supervisors, not exceeding the sums in this act authorized, and he shall keep a correct register of all the bonds, so countersigned by him.

Duty of treasurer.

Sec. 5. It shall be the duty of the treasurer of the county of Marathon, to pay the interest and principal which shall become due upon the bonds of the said county, issued as aforesaid, out of the moneys coming into his hands for such purpose, at such time and place as shall be specified in said bonds.

Per centage.

Sec. 6. The treasurer of the county of Marathon shall not receive any per centage or compensation whatever, for any service performed under this act.

Question submitted to the people.

Sec. 7. No stock shall be subscribed, or bonds issued in pursuance of the provisions of this act, until a majority of the legal voters of said county of Marathon, voting on the question, shall vote in favor of the same, at an election to be held in said county on the first Tuesday in April next. At such election, those voting in favor, shall vote a ballot with the words thereon, "For the Improvement," and those voting against, will vote a ballot with the words thereon "Against the Improvement."

Approved, April 2, 1853.

Chap. 302.

An Act to amend chapter one hundred and forty-two of session laws of 1851
The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Chapter amended.

SECTION 1. Section two of chapter one hundred and forty-two of the Session laws of A. D. 1851, is hereby so amended as that the name of said company shall be the Watertown and Waterloo Plank Road Company, and by that name and style shall hereafter be known.

Sec. 2. The directors of said company are hereby authorized to reduce the number of said directors from seven to five, and after said number is so reduced, said directors shall be authorized to manage the affairs of said company in the same manner as the present board are authorized to do.

Approved April 2, 1853.

An Act to incorporate the North Western Lead company, at the village of Shullsburg, in La Fayette county.

Chap. 303.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Joseph M. Bremsted, James H. Knowlton, George W. Lee, Augustus Estey, Edward Wetherby, Robert S. Peasley, and such other persons as may hereafter be associated with them as stockholders, their successors and assigns, are hereby created a body corporate and politic by the name of the North Western Lead company to be located in the village of Shullsburg, in the county of La Fayette, and State of Wisconsin, with perpetual succession, and by that name shall have all the rights, privileges and immunities incident to a corporation. They shall be capable in law of contracting and being contracted with, of suing and being sued, defending and being defended in all courts and places, of purchasing, holding, selling, letting and conveying estate, either real personal or mixed, so far as the same may be necessary, for the construction, extension, management and usefulness of the business of said company and for the good government of the same—they may have a common seal and alter the same at pleasure.

Incorporated.

Sec. 2. The capital stock of said company shall be five hundred thousand dollars, in shares of one hundred dollars each. The affairs of said company shall be managed by a board of five directors, who shall be chosen by ballot, and each share of stock shall be entitled to one vote, and for the purpose of electing the first directors, the persons named in the preceeding section, or a majority of them, shall give ten days notice of the time and place by them appointed, for the subscribers or stockholders in said company, to meet for the purpose of electing directors, which directors shall appoint one of their number president, and annually thereafter, on the first Monday in July, the stockholders shall meet for electing di-

Capital stock.

rectors as aforesaid; *Provided*, that none but stockholders shall be elected directors.

Quorum of directors, powers and duties.

Sec. 3. A majority of said board of directors shall constitute a quorum for the transaction of business. They shall have power to appoint such officers and agents as may be deemed necessary for the transaction of all business connected with said corporation, to make and prescribe such by-laws, rules, orders and regulations respecting the management, control and disposition of the stock, property and affairs of said company as they may deem proper, to make such covenants, contracts and agreements with any person or persons, copartnerships or body politic whatsoever, as the management and interest of said company may require.

Commissioners.

Sec. 4. Joseph M. Bromsted, George W. Lee and Robert S. Peasely, are hereby appointed commissioners and may cause books to be opened, as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, at any time after the approval of this act by the governor, which commission however, shall cease upon the election of the said first board of directors, and all subscriptions thereafter to the capital stock of said company, shall be made, under the direction of said first board of directors and their successors.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

An Act to incorporate the Omro and Waupun Railroad Company.

Chap. 304. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Incorporated.

SECTION 1. That Jeremiah Look, John Taylor, Timothy Strong, C. B. Harrington, James K. Smith, Josiah Drummond, Byron Sykes, Wm. Hobkirk, J. W. Brown, Charles Hammond 2d, J. W. Innis, David Perkins, Armine Pickett, Benjamin Tuttle, Hiram Johnson, Wm. P. McAllister, Walter C. Wilson, J. L. Hammond jr., Joseph Banks, A. C. Patterson, Robert B. Tuttle, Chancey Bigelow, and A. R. Montgomery, together with such other persons as may hereafter become associated with them, as subscribers to the capital stock of this corporation in the manner hereinafter prescribed, their successors and assigns, be and they are hereby created a body corporate and politic by the name of the Omro and Waupun Railroad Com-

pany, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either personal, real, or mixed, they may make, have, and use a common seal, and alter, break, or renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of said corporation, and if either of the persons named in this section shall die, refuse, or neglect to execute the powers and discharge the trusts and duties hereby created, it shall be the duty of the remaining persons hereinbefore named, or a majority of them, to appoint a suitable person or persons to fill said vacancy or vacancies so often as the same shall occur.

Sec. 2. That the capital stock of said company shall be divided into four thousand shares of one hundred dollars each, and five dollars on each share shall be paid in at the time of subscribing therefor, and said capital stock may be increased from time to time by the directors of said company to such an amount as in their opinion may be necessary. Grant of power. Capital stock.

Sec. 3. The above named persons, or any eleven of them, are authorized to open books for receiving subscriptions to the capital stock of said company, and shall prescribe the forms of such subscriptions and the times and places for receiving them, first giving thirty days notice of the times and places of receiving such subscriptions, by publishing the same in some newspaper printed in each of the counties of Fond du Lac and Winnebago, and in such other place or places as may be thought advisable. Opening books.

Sec. 4. That as soon as two hundred and fifty shares of the capital stock of said company shall have been subscribed, the said persons hereinbefore named, or a majority of them, may close said books of subscription, and shall give at least thirty days notice in some newspapers printed in each of the counties of Fond du Lac and Winnebago of the time and place by them appointed for the stockholders to meet for the purpose of electing thirteen directors, and if at such time and place the holders of one half or more of said stock subscribed shall attend, either in

First election of directors.

person or by lawful proxy, they shall proceed to choose by ballot from the stockholders thirteen directors, each share of capital stock entitling the owner to one vote, and at such election the persons named in the first section of this act, or those appointed by its provisions to fill vacancies which may have accrued, or any three of them, if no more be present, shall be inspectors of such election, and shall certify in writing signed by them or a majority of them what persons are elected directors, and if two or more have an equal number of votes, such directors or inspectors shall determine by lot which of them shall be directors to complete the number required, and said inspectors shall certify the same in like manner, and such inspectors shall appoint the time and place of holding the first meeting of directors, at which and at all subsequent meetings a majority of the whole number shall form a quorum competent to transact all business of the company, and thereafter a new election of directors shall be made annually at such time and place as the stockholders at their first meeting shall appoint, and if the stockholders at their first meeting shall fail to appoint the day of such election, then it shall be holden in the succeeding year on the same day of the month on which said first election was held, unless the same shall be on the first day of the week, in which case it shall be held on the day next succeeding. And if no election be made on the day appointed, said company shall not be dissolved, but such election may be made at any time appointed by the by-laws of the company; and directors chosen at any election shall, as soon as may be thereafter, choose of their own number a President, and shall appoint some competent persons to the offices of Secretary and Treasurer, and from time to time may choose such other officers as by their by-laws they may designate as necessary, fix their compensation, and may demand adequate security for the discharge of their respective duties and trusts, and fill any vacancies which may occur in their own board. The board of directors may at any time increase or diminish the number of directors to be elected at the next annual meeting of the stockholders: *Provided*, That the numbe shall not be less than seven nor more than fifteen, and in case of such increase or diminution, the number to be elected shall be specified in the notice of election.

Officers.

Sec. 5. The directors shall have power to re-open the books for subscription to the capital stock of the company, or open new books, under their own direction or that of a

majority of them, or under the direction of such person or persons as they may designate ; to decide upon the amount to be paid upon such subscription, the time, manner and proportions in which the stockholders shall pay subsequent instalments on their respective shares, and to forfeit to the use of the company the share or shares of any persons failing to pay any instalments so required, to regulate tolls and charges for the transportation of freight and passengers, to make such covenants, contracts, and agreements with any person or persons, copartnership or corporation whatsoever, as the execution and management of the works and the convenience and interests of the company may require ; to make any contract or agreement which they shall think proper with any other railroad company for the leasing or purchase of the whole or any part of any railroad constructed or to be constructed by such railroad company ; to connect with, lease to, or consolidate stock with any other railroad company, on such terms as they may deem most advantageous for the interests of this company ; to make and establish such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all of the operations, receipts, disbursements, and all other affairs and proceedings of said company.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the President and Secretary, and sealed with the common seal of the company, subject however, to all payments due or to grow due thereon, which stock shall be transferable in such manner as shall be prescribed by the by-laws of the company.

Sec. 7. The said company shall have power to locate and construct a railroad, with one or more tracks, from the village of Omro, in the town of Omro and county of Winnebago, via the town of West Rosendale and the village of Waupun to the south line of the town of Chester, in the county of Dodge, or till it intersects with any other railroad running through said county in the county of Fond du Lac, and the said company shall have power to transport, take, and carry property and persons upon said road by the power and force of steam, of animals, or of any mechanical or other power, or any combination of them, and to make, construct, and put in operation all

Powers of
Directors.

Certificates to
stockholders.

Route.

such turnouts, side tracks, and connecting tracks as they shall deem best for the interests of the company, and to erect and construct all such depots, station houses, ware houses, car houses and shops, engine houses and shops, toll houses, machine shops, and all other fixtures useful for the accommodation of said road and of those using it, and to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for constructing or running said road.

May borrow
money.

Sec. 8. The said company is hereby authorized and empowered, in its corporate capacity, to borrow any sums of money from any person or persons, corporation, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, any law on the subject of usury in this State or any other State where such transactions may be made to the contrary notwithstanding, and to make, execute, and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said corporation in consideration of any such loan or in discharge of any liabilities that it may incur in the construction, repairs, equipment, or running of said road, and the powers of said corporation for the purposes aforesaid, and for all the purposes necessary to carry out the objects of said company, namely, the construction of a railroad from and to the points aforesaid, are hereby ratified and confirmed, and the contracts and official acts of said company are declared binding in law and equity upon said corporation and upon all other parties to such contracts.

Company may
enter upon
land.

Sec. 9. It shall be lawful for said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, and when the said route shall be determined by the directors of said company, it shall be lawful for them, their engineers, officers, agents, contractors, and servants at any time to enter upon, take possession of, and use such land, not exceeding one hundred feet in width along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided for respectively, and it shall further be lawful for said company by their engineers, officers, contractors, and agents, to enter upon lands adjacent to the railroad, beyond the limit

provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation and business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel, and stone from deep cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage, and all damage which shall be done to any lands or property under the provisions of this section shall be ascertained and paid for in the manner and agreeably to the provisions of this act; and it shall be further lawful for said company to purchase and hold in fee simple lands adjoining or adjacent to the railroad, for the purpose of procuring earth, gravel, or other materials for embankments and structures necessary to the construction and repairs of said road and necessary buildings, and whensoever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

Sec. 10. The said company shall have the right to enter upon any lands required for their use as provided in section ninth of this act, and to survey and lay out said road, not exceeding one hundred feet in width, and the said company shall, if possible agree with the owner of said lands, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same and if the person or persons owning or possessing such legal or equitable title, lien or incumbrance, shall be a minor, non compos mentis, insane, or married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman, and if said company cannot agree with such owner, or with such guardian or husband, then such question of compensation and damages shall be submitted to arbitration in the manner following, to wit: the said company shall select a disinterested arbitrator and such owner, guardian or husband shall select another who shall be disinterested and not of kin to him, which two arbitrators shall select a third, or if said owner, guardian or husband should refuse or neglect for the space of three days

Compensation
for lands, &c.,
taken.

after being notified by said company to do so, or if they be non-residents of the State, they shall be notified by mail, by letter signed by the Secretary and addressed to their reputed place of residence, to select such arbitrators, and if they shall refuse or neglect, for the space of thirty days after mailing such letter, then in all cases of neglect or refusal as aforesaid, the Judge of the county court or chairman of the county board of supervisors of the county in which such land shall lie shall appoint three competent persons to act as arbitrators, who shall not be of kin to the claimant, or in any manner interested in said company, and the said arbitrators, having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation and damages which shall be paid by said company to such person for the land so taken, and shall deliver a copy of their award in writing to each of the parties, and if the amount of the award by said arbitrators shall be more than said company had previously offered to pay, then said company shall pay all the expenses of said arbitration, and if it shall be less, then the other party shall pay such costs; and either party may within ten days after receiving a copy of such award, appeal from the same to the court of the proper jurisdiction for the county in which such land is situated, by giving written notice of such appeal to some one of the arbitrators, and upon receiving such notice of appeal it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said case on its docket, setting down the claimant or claimants as plaintiffs and said company as defendant, and the said court shall thereupon proceed to ascertain the amount of compensation and damages to be paid by said company to said claimants, taking into consideration all the facts and circumstances which said arbitrators were by this act required to take into consideration, and the said court shall thereupon proceed to render judgment in favor of said claimant against said company, and if the amount so found for such claimant shall exceed the amount so found by said arbitrators, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said arbitrators then judgment shall be rendered in favor of said company for costs, and against said claimants; and when such compensation so to be ascertained according to the provisions of this section shall be paid or tendered to the party entitled to the same, the title to said lands shall vest in said com-

pany in fee simple, and a copy of such award or judgment filed in the office of the Register of Deeds of the county in which the lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possession of said lands for all the lawful purposes of said corporation, and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment by any proceeding either at law or in equity.

Sec. 11. The said company may construct the said **May cross** railroad across any public or private road, highway, stream **highways.** of water or water course, if the same shall be necessary, but the said company shall restore such road, highway, stream of water or water course to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, stream of water or water course to the owner or public.

Sec. 12. On the completion of said railroad, or any **May receive** section of the track of not less than five miles, it shall and **money for** may be lawful for the company to demand and receive **freight or** such sum or sums of money for passage and freight of **passage.** persons and property as they shall from time to time think proper and reasonable.

Sec. 13. If any person shall wilfully and knowingly **Penalty for in-** injure or destroy the railroad so to be constructed by said **juring or ob-** company, or any part thereof, or any work, building, or **structing** machinery attached to or in use upon the same, belonging **road.** to said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road, or break up or remove any of the ties, sleepers, rails, or bridges thereon, such person or persons so offending shall each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of the said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and such person or persons shall also be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Sec. 14. The said company, before opening their road **Road shall be** through enclosed ground, shall erect such fencing as shall **fenced.** preserve such enclosure entire, and shall, before they com-

mence to use their road as a railroad, erect a good and sufficient fence on both sides of their road through all such enclosed grounds, and shall maintain the same.

Sec. 15. This act is hereby declared a public act, and shall be favorably construed to effect the purpose thereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof in all cases.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved, April 2, 1853.

Chap. 305.

An Act to incorporate the Oshkosh and Lake Superior Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commission-
ers.

SECTION 1. That Lucius M. Miller, George F. Wright, Curtis Reed, Benjamin Tuttle, James S. Alban, Coles Bashford, and Elisha D. Smith be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Oshkosh and Lake Superior Railroad Company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions, by publishing the same in a public newspaper printed in the county of Winnebago.

Capital stock.

Sec. 2. The capital stock of said company shall be divided into forty thousand shares of one hundred dollars each, and as soon as one thousand shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock with such other persons as shall become stockholders in conformity with the provisions of this act, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic by the name and style of the Oshkosh and Lake Superior Railroad company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estates, either real, personal, or mixed; they may make, have, and use a common seal, alter, break, or renew the same at pleasure,

Name and
style.

and by that name they may sue and be sued, plead and be ^{Grant of}impleaded, answer and be answered, defend and be ^{powers.}defended, contract and be contracted with, and generally may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of said corporation.

Sec. 3. The said commissioners or a majority of them, ^{Election of}after the one thousand shares of stock are subscribed, ^{directors.}shall close the books of subscription, and shall give at least thirty days notice in the newspaper herein before mentioned of the time and place by them appointed for the stockholders to meet for the purpose of electing thirteen directors, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Sec. 4. All of the affairs of the said corporation shall be ^{Manner of}managed by a board of thirteen directors, who shall be ^{voting.}stockholders, and who are hereby invested with all of the powers of said corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held on the first Wednesday of February, by the stockholders of the said company, on like notice as is herein prescribed for the first election of directors. The votes shall be delivered in person or by proxy duly authorized, and in all cases in which stockholders shall vote, each share of stock shall be entitled to one vote, and in all elections for directors, those stockholders, equal to the number to be elected, having the greatest number of votes shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If from any cause an election of directors should not be held at the time when by the provisions of this act it should be held, the same may be had at any other time, on thirty days notice to be given as aforesaid, and until such election be had, the directors of the proceeding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises, or immunities by the reason of the irregularity or want of such election. The board of directors may at any time increase or diminish the number of directors to be elected at the next annual meeting of the stockholders: *Provided*, That the number shall not be less than five nor more than fifteen, and in case of ^{Provided.}such increase or diminution the number to be elected shall be specified in the notice of election.

Officers how
elected.

Sec. 5. A majority of the board of directors shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall decide upon; they shall elect by ballot one of their own number to be President, who shall, when present, preside at all meetings of the directors, and when absent, the directors may appoint a President pro tem. The board of directors shall appoint a Secretary, Treasurer, and such superintendents, agents, and other officers as they may find necessary, fix their compensation, and may demand adequate security for the discharge of their respective duties and trusts, and fill any vacancies in their own board. The directors shall have power to re-open the books of subscription to the capital stock of the company, or open new books, under their own direction or the direction of a majority of them, or under the direction of such person or persons as they may designate; to decide upon the amount to be paid upon such subscription, the time and manner in which the stockholders shall pay the subsequent instalments on their respective shares, and to forfeit to the use of the company the share or shares of any person failing to pay any instalments so required; to regulate tolls and charges for the transportation of freight and passengers; to make such covenants, contracts and agreements with any person or persons, copartnership, or corporation whatsoever, as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any railroad company, for the leasing or purchase of the whole or any part of any railroad constructed or to be constructed by such railroad company; to make and establish such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of this State or of the United States, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all the operations, receipts, disbursements, and all other affairs and proceedings of said company.

Power of
directors.

Certificates of
stock.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the President and Secretary and sealed with the common seal of the company, subject however to all the payments due or to grow due thereon, which stock shall be transferable

in such manner as shall be provided by the by-laws of the company.

Sec. 7. At each annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to the stockholders a complete statement of the affairs and proceedings of the company for such year. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders holding one fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting. Annual statement.

Sec. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from such eligible point on the south side of Fox river and opposite the town of Oshkosh, to such eligible point on Lake Superior as shall be determined upon by the board of directors, and the said company shall have power to transport, take, and carry property and persons upon said road by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make, and construct, and put in operation all such turnouts, side tracks, and connecting tracks, as they shall think will promote the interests of the company, warehouses, car houses and shops, engine shops, toll houses, machine shops, and all other fixtures useful for the accommodation of said road and of those using it, to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running said road; and they shall have power to connect the said railroad with any other railroad or branch railroad in this State or in Michigan, and to operate the same in connection with such other railroad or branch railroad, and to lease or purchase from any other railroad company the whole or any part of any railroad or branch railroad owned by such company, or to lease or to sell to any other company the whole or any part of the railroad or any of its branches to be built or owned by this company. Route.

Sec. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sums of money from any person or persons, corporation, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, any law on the subject of usury in this State or any other State where such transactions may be made to the contrary notwithstanding; and to make, execute, and de- May borrow money.

liver all necessary writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road; and the powers of said corporation for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely, the construction of a railroad from and to the points aforesaid, are hereby ratified and confirmed; and the contracts and official acts of said company declared binding in law and equity upon said corporation and upon all other parties to such contracts.

Commence-
ment and
completion
of road.

Sec. 10. If said corporation shall not within three years from the passage of this act commence the construction of said railroad, and in ten years from the time aforesaid complete the same, then the rights, privileges, and powers of said corporation under this act shall be null and void.

May enter up-
on lands for
purpose of ex-
ploring.

Sec. 11. It shall be lawful for said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, and engineers, contractors and servants at any time to enter upon, take possession of, and use such land, not exceeding one hundred feet in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided in such cases respectively; and it shall further be lawful for said company, by their officers, engineers and agents, to enter upon lands adjacent to the railroad, beyond the limits provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation and the business of said road and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel, and stone taken from the deep cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage, and all damage which shall be done to

any lands or property under the provisions of this section shall be ascertained and paid for in the manner and agreeably to the provisions of this act, and when such damage shall have been paid or tendered, the title to the land occupied by such building, fixtures, excavations, and embankments shall vest in fee simple in said company, agreeably to the provisions contained in this act; and it shall further be lawful for said company to purchase and hold in fee simple lands adjoining or adjacent to the railroad, for the purpose of procuring earth, gravel, or other material for embankment and structures necessary to the construction and repairs of said road and necessary buildings, and whensoever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

Sec. 12. In case the said company shall locate the line of their railroad on any lands belonging to the State, the said lands to the extent of one hundred feet in width along the line of said road are hereby granted to said company in fee simple. State land granted.

Sec. 13. The said company shall have the right to enter upon any lands required for their use as provided in the eleventh section of this act, and to lay and survey said road, not exceeding one hundred feet in width, and the said company shall, if possible, agree with the owner of said lands as to the amount of compensation to be paid for such lands, whether such person shall own or possess the legal or equitable title to the same or any lien or incumbrance on the same; and if the person or persons owning or possessing such legal or equitable title, lien, or incumbrance shall be a minor, non compos mentis, insane, or married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman, and if said company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit; the said company shall select a disinterested arbitrator and such owner or guardian or husband shall select another, who shall be disinterested and not of kin to him, or if they should refuse or neglect for the space of three days after being notified by said company to do so, or if they be non-residents of this State, they shall be notified by mail, by letter signed by the Secretary and addressed to their usual place of residence, to select such arbitrator; and if they shall refuse or neglect for the space of sixty days after mailing of such letter, May enter upon lands.

Compensation

then in all cases of neglect or refusal as aforesaid, the Judge of the county court or chairman of the county board of supervisors of the county in which such land shall lie, shall appoint three competent persons to act as arbitrators, who shall not be a kin to the claimants or in any manner interested in said company, and the said arbitrators, after having first determined that it was necessary to take such property, shall proceed to make an award of the amount of compensation which shall be paid by said company to such person for the land so taken, and shall deliver a copy of their award in writing to each of the parties, and if the amount awarded by said arbitrators shall be more than said company had previously offered to pay, then said company shall pay all the expenses of said arbitration; and if it shall be less, then the other party shall pay such costs; and either party may, within ten days after receiving a copy of such award, appeal from the same to the court of the proper jurisdiction for the county in which such land is situated, by giving written notice of such appeal to some one of the arbitrators, and upon receiving such notice of appeal it shall be the duty of the arbitrators to certify all their proceedings to said court; and the said court shall enter said case on its docket, setting down the claimant or claimants as plaintiffs and the said company as defendant, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all of the facts and circumstances which said arbitrators were by this act required to take into consideration, and the said court shall thereupon proceed to render judgment in favor of said complainant against said company, and if the amount so found for such complainant shall exceed the amount so found by such arbitrators, the judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said arbitrators, the judgment shall be rendered in favor of said company for costs and against said claimant. And when such compensation so to be ascertained according to the provisions of this section shall be paid, or tendered to the party entitled to the same, the title to said lands shall vest in fee simple in said company, and a copy of such award or judgment, filed in the office of the Register of Deeds of the county in which the lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings, and until they shall refuse to pay the compensation so to

When title
shall vest.

be ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possession of said lands for all the lawful purposes of said corporation, and they shall not, while such proceedings shall be pending or until such refusal, be disturbed in such possession, use, occupancy, and enjoyment, by any proceeding, either at law or in equity.

Sec. 14. The said company may construct the said railroad across any public or private road, highway, stream of water or water course, if the same shall be necessary, but the said company shall restore such road, highway, or water course, to its former state, or in sufficient manner not to impair the usefulness of said road, highway, stream of water or watercourse to the owner or to the public. May cross other roads.

Sec. 15. On the completion of said railroad, or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from time to time think reasonable. Money for Freight, &c.

Sec. 16. If any person shall wilfully and knowingly destroy the railroad so to be constructed by said company, or any part thereof, or any work, building, or machinery attached thereto or in use upon the same, belonging to said company, or wilfully and maliciously place any obstruction or thing upon the track of said road, such person or persons so offending shall, each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount caused by such offence, which may be recovered in the name of the company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court. Penalty for obstructing or injuring road.

Sec. 17. The property of every individual invested in said corporation shall be liable to be taken in execution for the payment of his debts, in such manner as is or may be provided by law: *Provided*, That all debts due said company shall be first paid. Individual liability.

Sec. 18. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes

thereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof in all cases.

Sec. 19. This act shall take effect and be in force from and after its passage.

Approved April 2, 1853.

Chap. 306.

An Act to incorporate the Newburgh, West Bend, Schleisingerville and Hartford Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Commissioners.

SECTION 1. William Wrightman, Moses Weil, W. P. Barnes, S. H. Vandercook, Heman Beck, George Ramsay, Alexander McCartney, George Essel, Joseph Knapp, G. C. Rossman and John Weil, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Newburgh, West Bend, Schleisingerville and Hartford Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscription to the capital stock of said company, first giving thirty days notice of the time and place of taking such subscriptions, by publishing the same in one or more newspapers printed in Washington county, or in some county adjoining thereto.

Capital stock.

Sec. 2. The capital stock of said company shall be twenty thousand dollars, in shares of ten dollars each, and as soon as two hundred shares of the capital stock shall be subscribed, and five per cent of the amount thereof actually paid in, or secured to the company, the subscribers to said stock, with such other persons as shall thereafter associate with them for that purpose, their successors and assigns, shall be and they hereby are created and declared a body corporate and politic, by the name and style of the Newburgh, West Bend, Schleisingerville and Hartford Plank Road Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining and conveying estate, real, personal or mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which an incorporated body may by law do.

Created a body politic and corporate.

Sec. 3. The said commissioners, or a majority of them, after said three hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days notice, on [in] one or more newspapers of Washington county, or of some county adjoining thereto, of the time and place of meeting of the stockholders for the purpose of electing seven directors, who shall hold their offices until their successors are elected; and annually, thereafter, upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, being published in one or more newspapers in the county aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors; *Provided*, That until the first election of directors the said commissioners above named, upon the subscription of three hundred shares of stock, and the organizing of said commissioners by the election by them of one of their number President, shall have all the powers and perform all the duties of a board of directors for said company; and the corporate existence of said company shall be taken and held to have begun and be completed as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of directors or in the said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

Election of directors.

Proviso.

Sec. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, in person or by proxies duly authorized, and in all elections and in all decisions of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections, when the seven persons have the greatest number of votes cast for directors, shall be declared duly elected.

Affairs managed by board of directors.

Sec. 5. A majority of said directors shall constitute a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a secretary and treasurer, and such officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for their respective trusts, and may remove said officers and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations, for the management of said company, the subscription of stock, the payment of instal-

Officers.

ments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws, not inconsistent with the constitution and laws of the state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company and all persons interested therein, as if the same formed a part of this act of incorporation.

Powers of directors.

Sec. 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon, for failure to pay such instalments as may be called for, and also to accept in behalf of the company a relinquishment of any stock subscribed and [execute] to the person or persons relinquishing, to the same valid release, discharging them from all liabilities thereafter, for or on account of the acts of said company or its officers.

Further powers.

Sec. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution and management of the work, and the convenience and interests of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she or they shall subscribe for, stating in the body of such certificate or certificates, the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of the said company, and which certificate or certificates shall be transferable in the same manner prescribed by the by-laws of said company.

Route.

Sec. 8. The said company shall have power to locate and construct a single or double track road from the village of Newburg by the way of the village of West Bend and Schliesingerville, in the county of Washington, to the village of Hartford, Washington county, and by the most eligible and practicable route as the directors shall decide. The track of said road shall be constructed of plank, stone, gravel, charcoal, or either, in whole or in part, at the option of the directors, so that the same, when completed, shall constitute a firm, regular and proper surface for the passage of wagons and carriages.

Sec. 9. It shall and may be lawful for said company their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary

damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width along the line of said route, subject however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed; *Provided*, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of such road as may endanger said road by falling or otherwise.

May enter upon land.

Proviso.

Sec. 10. When said corporation shall not agree with the owner or owners of any land, gravel, stone or other material, required for the construction of said road, for the purpose thereof, or for the compensation to be paid therefor, or when by absence or legal incapacity of the owner or owners, no such agreement or purchase can be made therein and in any such case it shall be lawful for any Justice of the Peace, to issue a warrant directed to the Sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant, and if at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said company and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall for him, her or tem, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said Justice of the Peace shall administer to each of them an oath or affirmation that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner

Proceedings in case of disagreement of parties.

or owners, according to the best of his skill and judgment, whereupon the said justice and jurors shall proceed to view the land or material so required, and to hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by the said Justice of the Peace, and the verdict of the jurors thereon shall be signed by the jurors or a majority of them, and by the Justice of the Peace, and the said Justice of the Peace shall, within five days thereafter, transmit the same to the clerk of the Circuit Court of the proper county, who shall file the same; such inquisition shall describe the property taken or to be taken, or the boundaries of land in question, and the value thereof as aforesaid, and such valuation when paid, together with costs of such inquisition, or tendered by the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road; *Provided*, That it shall not be lawful for any Justice or Jury of inquest to proceed in such valuation of any such property or material in the absence of the owner or owners thereof, his, her, or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age, or non compos mentis, or absent from the county in which such land is situated, such service of notice may be made upon the guardian or trustees, under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *Provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof; *Provided*, That any party considering himself aggrieved by any decision herein stated, may in every such case appeal from such decision to the Circuit Court of the county in which the property is situated, as in ordinary cases of appeal.

Sec. 11. The directors shall [have] power in their discretion to construct said plank road along or upon any road or highway now or hereafter to be laid out, opened and established by the proper authorities, and of such width and in such manner as the said directors shall determine; provided, they procure by agreement with the su-

Previous.

May construct road upon other thorough-fares.

pervisors of any town, the right to take and use any part of any public highway in such town for the construction of such proposed road, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor. Every such agreement of the supervisors shall be in writing and shall be filed in the town clerk's office of the town; and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town, and they may erect toll gates, and exact tolls from persons traveling on their road, whenever two consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh, carriage, drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, one cent per mile; and for every horse and rider or led animal, one cent per mile; for one score of sheep or swine, one cent per mile, and for every score of neat cattle, four cents per mile; *Provided*, persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll. The toll-gather at each gate, when erected on said road, in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll until the toll thereon is paid.

Sec. 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal security to the approval of said board of Directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid, and certificate of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money, and it shall be competent for the said stockholders paying their subscription to said stock in securities as aforesaid, to contract and pay to said company interest at the rate of twelve per cent per annum, for a period not exceeding ten years, and to execute to said company by its corporate name, bonds, mortgages or notes, for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferable by them, or any of them, in the same manner as if the same were made payable to individuals or to their order as assigns.

When directors to issue certificates of stock.

Liabilities for
injuring road

Sec. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road to be constructed by said company, or any part thereof, or any work, building or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Penalty for
breaking
gates.

Sec. 14. Any person who shall wilfully break down any gate on such road which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll shall, with his team, carriage or animal, turn out of said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages.

Increase of
stock.

Sec. 15. The directors of said company at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced, but remained in an unfinished state for want of means for completing the same.

Commence-
ment.

Sec. 16. If said corporation shall not within three years from the passage of this act commence the construction of said plank road, and expend one thousand dollars or more thereon, then the rights, privileges and powers of the said corporation under this act shall be null and void.

Sec. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof, printed by authority of the state, shall be received as evidence thereof.

Sec. 18. This act may be altered or amended by any future legislature of the state of Wisconsin.

Approved, April 2, 1853.

An Act to authorize the town of Mequon to build and maintain a Free Bridge across the Milwaukee river, in the town of Mequon, in the county of Ozaukee.

Chap. 307.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Supervisors of the town of Mequon, in the county of Ozaukee, are hereby authorized to build and maintain a free bridge across the Milwaukee river in the town of Mequon, in the county of Ozaukee, on the section line between sections twenty-six and thirty-five, in range twenty-one: *Provided*, That if said supervisors shall fail to build said bridge within two years from the passage of this act, the same may be built by private subscription.

Sec. 2. Said bridge shall be so constructed as not to obstruct the free navigation of said river.

Approved, April 2, 1853.

An Act to authorize the county of Washington to aid certain Railroads therein mentioned in their construction.

Chap. 308.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows :

SECTION 1. The board of Supervisors of the county of Washington, is hereby authorized to issue and deliver for the benefit of the Milwaukee, Fond du Lac and Green Bay Railroad Company, and the LaCrosse and Milwaukee Railroad Company, the sum of one hundred thousand dollars each, in the corporate bonds of said county, in the usual form of municipal corporation bonds, payable in the city of New York, and payable in not more than twenty years from their date, and in not less than ten years from date, drawing interest at the rate of eight per cent. per annum, payable at the place aforesaid, semi-annually, such bonds shall be signed by the chairman of said board, and countersigned by the clerk of said board, and sealed with their corporate seal, and shall be severally in the sum of one thousand dollars each; such bonds shall be so framed as to be valid and effectual in the law; as a binding and indispensable security in the hands of boni fide holders, for the payment of the amount of the same. Bonds how payable.

Sec. 2. Such bonds shall not be issued however, nor any portion of them, until at an election which shall be held on the third Monday in May next, in the several towns of said county, at the usual places for holding general elections in such towns, between the hours of ten Condition of issuing bonds

o'clock in the forenoon, and four o'clock in the afternoon of the same day, a majority of all persons voting at such election, shall vote "For Railroad," such election shall be conducted in all respects in the several towns, and the votes shall be canvassed in the same manner, in such towns, and returned and canvassed by the county canvasser in the same manner as at general elections, for electing state and county officers, and within the same number of days after such election.

To what companies executed,

Sec. 3. If it shall be found from such county canvass that a majority of all votes cast at such election were "for railroad," the clerk shall convene said county board by one weeks notice, but in the manner now prescribed by law, for such notice, and the said board may cause such bonds to be executed in the form and manner aforesaid, to wit: the sum of one hundred thousand dollars to the LaCrosse and Milwaukee Railroad Company, and the sum of one hundred thousand dollars to the Milwaukee Fond du Lac and Green Bay Railroad Company, which bonds shall severally run to the company for whose benefit the same were designed, and shall be transferable by endorsement, and when so executed shall severally be deposited with the county treasurer of said county, subject to the order of the said companies severally, for whose benefit the same were designed, when they shall severally comply with the conditions in the following sections prescribed.

Condition of delivering bonds,

Sec. 4. Whenever the Milwaukee, Fond du Lac and Green Bay Railroad Company shall cause an affidavit to be filed and made by its president and secretary, showing that not less than two hundred thousand dollars has been actually and in good faith subscribed to the capital stock of good and collectable subscription, and that such company is fully and legally organized, and that a sum of not less than twenty thousand dollars has been actually expended by said company in the construction of their said railroad, not including monies paid for the salaries of officers, and filed such affidavit with said county treasurer, the said treasurer may deliver to the order of said company an amount of said bonds equal to one-half of the amount so proved to have been expended by said company, and upon further affidavits from time to time filed by said company, made by said president and secretary, showing further expenditures for the purposes, and in the manner aforesaid, said treasurer may deliver the said bonds to the order of said company, until the whole sum of one hundred

thousand dollars shall have been delivered, which were designed for the benefit of the said company in this section mentioned.

Sec. 5. All the provisions of section four of this act shall apply to the LaCrosse and Milwaukee Railroad Company, except the amount of stock necessary to be subscribed to the LaCrosse and Milwaukee Railroad Company shall be six hundred thousand dollars. Exception.

Sec. 6. Each of the said Railroad Companies shall severally, before receiving any of said bonds, execute and deliver to the treasurer of said county, a bond in the penal sum of two hundred thousand dollars, conditioned that the company giving such bond will at all times promptly pay and discharge the interest and principal of such county bond which shall be by such company received, and at all times save the county harmless therefrom, on account of any loss, costs, damages or other possible detriment or evil which may result to said county by reason of its issuing such bonds; and said county may maintain an action of debt on any such bond, for the recovering of any damages, losses or costs which may result to such county, from or on account of any payment of money, or any manner of loss or danger resulting to said county from the giving of such bonds by said county. Security for payment of interest, &c.

Sec. 7. Upon the receipt by the Milwaukee, Fond du Lac and Green Bay Railroad Company of such bonds, such company shall be thereby bound and held to construct the main line of their road by the way of the village of West Bend; and upon the receipt of any of such bonds by the LaCrosse and Milwaukee Railroad Company, such company shall be thereby held and bound to construct their road within one-half mile of the North-East quarter of the North-East quarter of section number eighteen, in town number ten, North of range nineteen, east; and upon the North side of Pike Lake, Easterly from the village of Hartford in said county. Route of the several roads.

Sec. 8. Such companies shall severally make faithful application of the avails of all such bonds for the speedy completion of the roads of such companies severally, and any wilful mis-application thereof shall be deemed a misdemeanor.

Sec. 9. This act shall be published in the several papers in said county, and copies thereof posted in the several towns of said county, and notice of such election given by the town clerks of the several towns at least ten days before such election, by posting written or printed notices This act to be published.

in at least three public places in their several towns: *Provided*, however, that the omission to comply with any of the provisions of this section shall not invalidate such election.

Board of supervisors may require a mortgage on the road.

Sec. 10. The board of Supervisors may in their discretion require a mortgage on the road of the company receiving such bonds, and may in their discretion release such mortgage, and such bond may by resolution, refuse to issue any bonds to either of said railroad companies or may reduce the amount of bonds so to be issued to each company to an amount not less than fifty thousand dollars to each company, but shall not be at liberty to increase the same to an amount exceeding the amount first above mentioned.

Sec. 11. This act shall take effect immediately.

Approved, April 2, 1853.

Chap. 309.

Incorporated. An Act to incorporate the Milwaukee White Lead and Linseed Oil Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body corporate and politic by the name and style of the Milwaukee White Lead and Linseed Oil Manufacturing Company, and by that name shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, may have a common seal, and alter the same at pleasure, and by the same name shall be capable of purchasing, holding and conveying any estate, real or personal property, for the use and benefit of said corporation.

Sec. 2. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be

deemed to be personal property, and may be transferred in such manner as the by-laws of the company direct. Capital stock.

Sec. 3. Said corporation shall have power to manufacture White Lead and Linseed Oil in such manner as they may deem proper, and to sell and dispose of the same at pleasure, may erect buildings and machinery for such manufacturing purposes, to be moved by steam or other power, on any lands in the city or county of Milwaukee which are now or may hereafter be owned by said company; may in their corporate capacity and name, make and execute to any person or persons, or body corporate or politic, any and all writings, notes, bonds, mortgages, on real or personal property belonging to said company, in the due prosecution of their business or as security for the loan of money borrowed by or due from said company to any person or persons, or body corporate, all of which said company is authorized to do, any law of this State to the contrary notwithstanding, but this section shall not be so construed as to confer banking powers upon said corporation. Powers of company.

Sec. 4. The property and affairs of said company shall be managed and conducted by a board of not less than three nor more than nine directors, who shall be elected annually, and who shall respectively be stockholders in said corporation, and who shall be elected as aforesaid by the stockholders at such time and place as shall be directed by the by-laws of the corporation; each share of the stock being entitled to vote, and may be cast by the holder thereof or by proxy duly authorized; all such elections shall be by ballot, and the persons receiving the majority of votes shall be directors, and when any vacancy shall happen from any cause it shall be filled for the remainder of the year in such manner as shall be provided for by the by-laws of said corporation, the number of directors, and how many shall constitute a quorum for the transaction of business, shall be determined by said by-laws. Directors.

Sec. 5. The said directors shall annually after their election elect one of their number president, whose duty it shall be to preside at the meetings of the board, and in case of his absence at any meeting the directors present may elect a president pro tem.; the directors shall have power to make and prescribe such by-laws, rules and regulations, respecting the management of the property, concerns, business and stock of said corporation as they may deem expedient and proper, all meetings for the Powers of directors.

transaction of business for the corporation shall be held at their office, which shall be located in the city or county of Milwaukee, and the manner and times of calling meetings shall be prescribed in the by-laws of said company; the directors shall have power to appoint a treasurer and secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure, and fix the compensation, and define the duties of all officers; they shall have power to decide the time, manner and proportions in which the stockholders shall pay the money due (or an equivalent therefor) on their respective shares, and to make such rules respecting the forfeiture of stock and shares, as they may deem advisable; they shall also have power to appoint a time certain each year for the election of directors, but such election shall always be held at the office of said company, upon due notice to the stockholders, of not less than thirty days before such election: *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any time upon like notice being given to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

Books, when
opened.

Sec. 6. Books for subscription to the capital stock of said company shall be opened at any place the corporators may designate by giving ten days notice in one or more newspapers printed in the city of Milwaukee, and John S. Stockwood, James Ludington, Ashel Finch, jr., Charles H. Wheeler and Anson Eldred, shall be said corporators, and a majority of whom may keep said books open from day to day until at least twenty-five thousand dollars of said stock be subscribed for, when the corporators may deliver to such subscribers said book, and the said subscribers shall then proceed to elect the board of directors as herein provided for, and such directors when so elected, shall at their first meeting determine the amount of capital of said corporation, which shall in no case exceed one hundred and fifty thousand dollars, and if such capital shall be fixed at any sum less than the last named amount, the same may at any time thereafter be increased by a two-third vote of the said directors, at a regular meeting thereof to any amount not in the whole however exceeding the said sum of one hundred and fifty thousand dollars.

Capital stock,
how increased.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 2, 1853.

An Act to amend an act entitled "An Act granting to Henry W. Kingsbury the right to keep and maintain a Ferry across the Wisconsin River.

Chap. 310.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That section one of chapter two hundred and twenty-seven of the session laws of 1852, entitled "an act to amend an act entitled an act granting to Henry W. Kingsbury the right to keep and maintain a Ferry across the Wisconsin river," and approved April 5, 1852, is hereby so amended as to prevent the licensing of any Ferry within three miles of the point where said Ferry is now established.

Approved, April 2, 1853.

An Act to incorporate the Ridgway Mining and Smelting Company.

Chap. 311.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That Ebenezer Brigham, George Messersmith, James Morrison, John H. Lathrop, Nelson Dewey, Thomas P. Williams, and Nathaniel W. Dean, and such other persons as may hereafter become associated with them in the manner hereinafter provided, shall be and they are hereby incorporated and made a body corporate and politic by the name and style of the Ridgway Mining and Smelting Company, and by that name shall have succession, shall be able to contract and be contracted with, to sue and be sued, plead and be impleaded, in any court of law and equity, to make, have, and use a common seal and the same to alter and renew at pleasure, and the said company shall have full power and authority to open and work any mines of lead or other ores and minerals, that may exist on any lands which the said company may acquire within the State of Wisconsin.

Incorporated

Grant of power.

Sec. 2. The capital stock of said company shall consist of one thousand shares of five hundred dollars each, with the privilege of increasing the same one thousand shares, two-thirds of the stockholders consenting thereto; but it shall be lawful for such company to organize and commence their operations when and so soon as fifty thousand dollars of said stock shall be subscribed, and with that capital to commence, conduct, and carry on the same until they shall find it expedient to enlarge their capital,

Capital stock.

which they are authorized to do from time to time, to the amount first above named and provided for.

Directors.

Sec. 3. The management of the affairs of said company shall be vested in seven directors, who shall be stockholders, any five of whom shall constitute a quorum to do business; such directors shall hold their office for one year and until their successors are elected and qualified; the board of directors, as soon as practicable after their election, shall proceed to elect one of their number President of the company, and the President and directors shall elect and appoint all such other officers and persons as they shall deem necessary for the management and care of the business of the company.

Opening books.

Sec. 4. The corporators named in the first section of this act shall act as commissioners to procure subscribers to the stock of said company, and for that purpose shall open books at such place or places as they or a majority of them designate, and as soon as fifty thousand dollars or more are subscribed they shall notify the stockholders of the fact, designating some convenient time and place for them to meet and hold an election for directors.

Powers of the company.

Sec. 5. Said company shall have power and authority to carry on the business of mining, smelting, and manufacturing within this State, and for that purpose may acquire, hold, use, and transfer real and personal property, may erect buildings, machinery, and other improvements and use the same in its business, may sink shafts, erect steam engines, mills, furnaces, bloomeries, founderies, and other establishments necessary and useful in mining, smelting, and manufacturing ores, metals, and minerals, and may construct roads, causeways, rail or plank roads in connection with their works, to be used exclusively to facilitate the business of mining, smelting, and manufacturing ores, metals, and minerals as contemplated in this section, and not for the purpose of carrying freight and passengers for or without compensation, and may do such other lawful acts as may be necessary and proper to carry on said business successfully and prosperously, and for the purpose of constructing any plank or rail road for the purposes aforesaid, the said company hereby incorporated shall have the right of way over any lands through which such road as may be constructed may pass: *Provided*, That said company shall pay all damages or injury, to be assessed by a jury of competent persons, to be summoned at the request of the party injured, by any Justice of the Peace of the town, he causing the company to be served

Proviso.

with notice at least ten days before any such trial, and the jury, in finding their verdict, shall take into consideration the benefit delivered by the opposite party in the construction of any such road or roads; either party may appeal to the higher courts from the verdict of the jury and judgment of the Justice, as in ordinary appeals from Justice's courts.

Sec. 6. That it shall be lawful for said company to own pieces or parcels of land, on the Mississippi river or any other river or lake bordering upon or running through this State, on the route or at the terminus of any road or roads which may be necessary for the purposes of said company and by this act authorized to be made, and also to own pieces or parcels of land at necessary or proper places on the route of any such road or roads, for the purposes of erecting thereon their furnaces, mills, warehouses, work-shops, and other buildings, and also lay out and lease and sell lots to workmen or other persons. May own certain lands.

Sec. 7. The stock of said company shall be deemed personal property, transferable on the books of the company in such manner as the directors shall regulate by by-law. Stock personal property.

Sec. 8. The President and directors of said company may enact and establish such by laws, rules, and regulations for the government of themselves and all officers and persons in the employ of said company, as shall not be inconsistent with the provisions of this act, the constitution and laws of the United States, and the State of Wisconsin. Rules and regulations.

Sec. 9. That this act and the powers and privileges herein granted shall continue in force and effect, without being altered, modified, or repealed, or in any way affected or impaired, without the consent of said company: *Provided*, however, that any wilful violation of any of the provisions of this act shall be deemed a cause of forfeiture, and the Attorney General of this State, or the District Attorney of any county in which the affairs and business of said company are carried on, shall, as soon as such facts shall come to his or their knowledge as in his or their opinion amount to a cause of forfeiture, proceed against said company in the proper courts of this State, in the name of the State of Wisconsin, to procure by the judgment of such court a forfeiture of this charter and the privileges hereby granted. This act not to be altered or amended without consent of company.

Sec. 10. That for the convenience of the laborers and others, said company may sell goods, wares, and merchan- Proviso.

Company may ~~do~~ ^{do} ~~at~~ ^{at} ~~their~~ ^{their} ~~place~~ ^{place} or places of business: *Provided*, They sell goods. pay the same tax or license which individual merchants or dealers in like articles are required by law to pay.
Approved, April 2d, 1853.

An Act to incorporate the Oshkosh and Portage City Railroad Company.

Chap. 312. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. W. A. Knapp, A. F. David, C. Weisbrod, Nelson McNeal, Abel Neff, E. B. Fisk, M. Griffin, Joseph Banks, W. Wilcox, S. Wyman, E. West, Ezra Hubbard, O. B. Reed, and Samuel Extine be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Oshkosh and Portage City Railroad Company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions, by publishing the same daily in some public newspaper printed in the county of Winnebago.

Sec. 2. The capital stock of said company shall be two millions of dollars, and shall be divided into twenty thousand shares of one hundred dollars each, and as soon as four hundred shares shall have been subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall become stockholders in conformity with the provisions of this act, their successors and assigns shall be and they are hereby declared and created a body corporate and politic by the name and style of the Oshkosh and Portage City Railroad Company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal, or mixed, they may make, have, and use a common seal, and alter, break, or renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of the said corporation.

Sec. 3. The said commissioners or a majority of them, after the said four hundred shares of stock are subscribed, shall close the books of subscription, and shall give at least thirty days notice in the newspapers hereinbefore mentioned of the time and place by them appointed for the stockholders to meet for the purpose of electing thirteen directors, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

First election
of directors.

Sec. 4. All of the affairs of the said corporation shall be managed by a board of thirteen directors, who shall be stockholders, and who are hereby invested with all of the powers of the said corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held on the first Wednesday of February, by the stockholders of the said company, on like notice as herein prescribed for the first election of directors. The votes shall be delivered in person or by proxy duly authorized, and in all cases in which stockholders shall vote, each share of stock shall be entitled to one vote, and in all elections of directors, those stockholders, equal to the number to be elected, having the greatest number of votes shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If from any cause an election of directors shall not be had at the time when by the provisions of this act it should be had, the same may be had at any other time, on thirty days notice to be given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises, or immunities by the reason of the irregularity or want of such election. The board of directors may at any time increase or diminish the number of directors to be elected at the next annual meeting of the stockholders: *Provided*, The number shall not be less than five nor more than fifteen, and in case of such increase or diminution the number to be elected shall be specified in the notice of election.

Affairs of com-
pany managed
by directors.

Election of
directors.

Provide.

Sec. 5. A majority of the board shall constitute a quorum for the transaction of any business; they shall meet at such times and places and be convened in such manner as they shall decide upon; they shall elect by ballot one of their own number to be President, who shall, when present, preside at all meetings of the directors, and

Quorum.

Officers how
elected.

when absent, the directors may appoint a President pro tem. The board of directors shall appoint a Secretary, Treasurer, and such engineers, superintendents, agents, and other officers as they may find necessary, fix their compensation, and may demand adequate security for the faithful discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board.—The directors shall have power to re-open the books for subscription to the capital stock of the company, or open new books, under their own direction or the direction of a majority of them, or under the direction of such person or persons as they may designate; to decide upon the amount to be paid upon such subscription, the time and manner or proportions in which the stockholders shall pay subsequent instalments on their respective shares, and to forfeit to the use of the company the share or shares of any person failing to pay any instalments so required; to regulate tolls and charges for the transportation of freight and passengers; to make such covenants, contracts and agreements with any person or persons, copartnership, or corporation whatsoever, as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company, for the leasing or purchasing of the whole or any part of any railroad constructed or to be constructed by such railroad company; to make and establish such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States, or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all of the operations, receipts, disbursements, and all other affairs and proceedings of said company.

Power of
directors.

Certificates of
stock.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the President and Secretary and sealed with the common seal of the company, subject however to all the payments due or to grow due thereon, which stock shall be transferable in such manner as shall be provided by the by-laws of the company.

Annual state-
ments.

Sec. 7. At each annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to the stockholders a complete statement of the affairs and proceedings of the company for such

year. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders holding one fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting.

Sec. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from such eligible point in the village of Oshkosh to such eligible point in the village of Portage City as shall be determined upon by the said board of directors, and the said company shall have power to transport, take, and carry property and persons upon said road by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make, construct, and put in operation all such turnouts, side tracks, and connecting tracks, as they shall think will promote the interests of the company, warehouses, car houses and shops, engine shops, toll houses, machine shops, and all other fixtures useful for the accommodation of said road and of those using it, to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running said road; and they shall have power to connect the said railroad with any other railroad or branch railroad coming in contact therewith and to operate the same in connection with such other railroad or branch railroad, and to lease or purchase from any other railroad company the whole or any part of any railroad or branch railroad owned by such company, or to lease or to sell to any other company the whole or any part of the railroad to be built or owned by this company.

Route.

Powers of company.

Sec. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sums of money from any person or persons, corporations, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, any law on the subject of usury in this State to the contrary notwithstanding; and to make, execute, and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said corporation in consideration of any such loan, or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road, and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely, the con-

May borrow money.

struction of a railroad from and to the points aforesaid, are hereby ratified and confirmed; and the contracts and official acts of said company are declared binding in law and equity upon said corporation and upon all other parties to such contracts.

Condition of
the charter.

Sec. 10. If said corporation shall not within three years from the passage of this act commence the construction of said road, and in ten years from the time aforesaid complete the same, then the rights, privileges, and powers of said corporation under this act shall be null and void.

Company may
enter upon
land.

Sec. 11. It shall be lawful for said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of, and use such land, not exceeding one hundred feet in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided in such cases respectively; and it shall further be lawful for said company, by their officers, engineers and agents, to enter upon lands adjacent to the railroad, beyond the limits provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation of the business of said road and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel, and stone taken from deep cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing, however, no unnecessary damage, and all damage which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provisions of this act, and when such damage shall have been paid or tendered, the title to the land occupied by such buildings, fixtures, excavations and embankments shall vest in fee simple in said company agreeably to the provisions of this act, and it shall further be lawful for said company to purchase and hold in fee sim-

Compensation
for lands, &c.,
taken.

ple lands adjoining or adjacent to the railroad, for the purpose of procuring earth, gravel, or other materials for embankments and structures necessary to the construction and repairs of said road and necessary buildings, and whenever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

Sec. 12. The said company shall have the right to enter upon any lands required for their use as provided in the eleventh section of this act, and to survey and lay out said road, not exceeding one hundred feet in width, and the said company shall, if possible agree with the owner of said lands, as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same, and if the person or persons owning or possessing the legal or equitable title, lien or incumbrance, shall be a minor, non compos mentis, insane, or married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman, and if said company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit: the said company shall select a disinterested arbitrator and such owner, guardian or husband shall select another who shall be disinterested and not of kin to him, or if they should neglect or refuse for the space of three days after being notified by said company so to do, or if they be non-residents of this State, they shall be notified by mail, by letter signed by the Secretary and addressed to their usual place of residence, to select such arbitrators, and if they shall refuse or neglect, for the space of sixty days after mailing such letter, then in all cases of neglect or refusal as aforesaid, the Judge of the county court or chairman of the county board of supervisors of the county in which such land shall lie shall appoint three competent persons to act as arbitrators, who shall not be of kin to the claimants, or in any manner interested in said company, and the said arbitrators, having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said company to such persons for the land so taken, and shall deliver a copy of their award in writing to each of the parties; and if the amount awarded by said arbitrators shall be more

Width of land occupied.

Settlement for the same.

than said company had previously offered to pay, then said company shall pay all the expenses of said arbitration, and if it shall be less, then the other party shall pay such costs; and either party may within ten days after receiving a copy of such award, appeal from the same to the court of proper jurisdiction for the county in which such land is situated, by giving written notice of such appeal to some one of the arbitrators, and upon receiving such notice of appeal it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said case on its docket, setting down the claimant or claimants as plaintiffs and the said company as defendants, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were by this act required to take into consideration, and the said court shall thereupon proceed to render judgment in favor of said claimant against said company, and if the amount so found for said claimant shall exceed the amount so found by said arbitrators, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said arbitrators then judgment shall be rendered in favor of said company for costs, and against said claimant; and when such compensation so to be ascertained according to the provisions of this act, shall be paid or tendered to the party entitled to the same, the title to said lands shall vest in said company in fee simple, and a copy of such award or judgment filed in the office of the Register of Deeds of the county in which the lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possession of said lands for all the lawful purposes of said corporation, and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment by any proceeding either at law or equity. The said arbitrators, before entering upon their duty, shall severally take and subscribe an oath to faithfully and honestly perform the duties of their appointment, which oath shall be returned with their award.

Sec. 13. The said company may construct the said railroad across any public or private road, highway, stream

of water or water course, if the same shall be necessary, ^{May cross} but the said company shall restore such road, highway, ^{highways.} stream of water or water course to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, stream of water or water course to the owner or to the public.

Sec. 14. On the completion of said railroad, or any section of the track of not less than five miles, it shall and ^{May receive money for freight or passage.} may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from time to time think reasonable.

Sec. 15. If any person shall wilfully and knowingly ^{Penalty for in-} injure or destroy the railroad so to be constructed by said ^{juring or ob-} company, or any part thereof, or any work, building, or ^{structing} machinery attached to or in use upon the same, belonging ^{road.} to said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road, such person or persons so offending shall, each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of the damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Sec. 16. The said company, before opening their road through enclosed ground, shall erect such fencing as shall preserve such enclosure entire, and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of their road through all such enclosed grounds, and shall maintain the same.

Sec. 17. This act is hereby declared to be a public act, and shall be favorably construed to effect the purpose thereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof in all cases.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved, June 6, 1853.

Chap. 313. An Act to incorporate the Milwaukee and West Bend Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Commissioners. SECTION 1. Philip Fimerman, Adam Staats, Philip Dpein, Charles Schuette, Ferdinand Noelting, William Rohm, William Wrightman, John Findorf, Moses Weil, Charles Auentin and C. B. Wollcott, be and they hereby are appointed commissioners under the direction of a majority of whom subscription may be received to the capital stock of the Milwaukee and West Bend Plank Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct for the purpose of receiving subscription to the capital stock of said company, first giving thirty days notice of the time and places of taking such subscription, by publishing the same in one or more newspapers printed in Milwaukee and Washington counties.

Capital stock. Sec. 2. The capital stock of said company shall be sixty thousand dollars, in shares of twenty dollars each, and as soon as three hundred shares of the capital stock shall be subscribed, and five per cent. of the amount thereof actually paid in or secured to the company, the subscribers to said stock, with such other persons as shall thereafter associate with them for that purpose, their successors and assigns shall be and they hereby are created and declared a body corporate and politic, by the name and style of the Milwaukee and West Bend Plank Road Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining and conveying estate, real personal or mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular, the matters and things which an incorporate company may by law do.

Incorporated.

First election of directors. Sec. 3. The said commissioners or a majority of them, after said three hundred shares of capital stock shall have been subscribed, as aforesaid, shall give at least twenty days notice in one or more newspapers of Milwaukee and Washington county of the time and place of meeting of the stockholders for the purpose of electing seven directors, who shall hold their offices until their successors are elected, and annually thereafter, upon the anniversary of the first election, upon notice of the place of meeting being given by the directors then in being, being published in

one or more of the newspapers in the counties aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the said commissioners above named, *Proviso.* upon the subscription of three hundred shares of stock, and the organizing of said commissioners by the election by one of their number President, shall have all the powers and perform all the duties of a board of directors of said company, and the corporate existence of said company shall be taken and held to have begun and be completed as if a regular election of directors had taken place, and in case of a vacancy at any time occurring in the board of directors, or in the said board of commissioners, acting in the capacity of directors, the board shall have power to fill such vacancy.

Sec. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders, in person, or by proxies duly authorized, and in all elections and in all discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections when the seven persons having the greatest number of votes cast for directors shall be declared duly elected. *Affairs managed by board.*

Sec. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number President and they shall have power to appoint a Secretary and Treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for their respective trusts, and may remove such officers and revoke the powers of said agents at pleasure, they shall also have power to make all necessary and proper by-laws, rules, and regulations for the management of said company, the subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by-laws, not inconsistent with the constitution and laws of the State, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company and all persons interested therein, as if the same formed a part of this act of incorporation. *Officers.* *Directors, powers and duties.*

Sec. 6. The said board of directors shall also have power to decide the time and manner in which said stock-

Further
Grant of
powers.

holders shall pay instalments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon, for failure to pay such instalments as may be called for, and also to accept in behalf of the company a relinquishment of any stock subscribed, and executed to the person or persons relinquishing the same valid releases discharging them from all liabilities thereafter for or on account of the acts of said company or its officers.

Sec. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution and management of the work and the convenience and interests of the company may require, and may issue to each stockholder a certificate or certificates for the shares which he, she, or they shall subscribe for, stating in the body of such certificate or certificates the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the President and countersigned by the Secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of the said company.

Route.

Sec. 8. The said company shall have power to locate and construct a single or double track road from the city of Milwaukee, by the way of the north-west corner of section sixteen, town nine, range twenty, in the county of Washington, to the village of West Bend, in Washington county, and by the most eligible and practicable route as the directors shall decide. The track of said road shall be constructed of plank, stone, gravel, charcoal or either in whole or in part, each at the option of the directors, so that the same, when completed, shall constitute a firm and regular and proper surface for the passage of wagons and carriages.

May enter upon
lands.

Sec. 9. It shall and may be lawful for said company, their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of, and use such lands, not exceeding four rods in width along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, or

as shall be ascertained in the manner hereinafter directed:

Provided, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed four rods in width, and they may also cut down such trees on each side of such road as may endanger said road by falling or otherwise. Proviso.

Sec. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone, or other material required for the construction of said road, for the purpose thereof, or for the compensation to be paid therefor, or when by of absence or legal incapacity of the owner or owners, no such agreement or purchase can be made therein, and in any such case it shall be lawful for any Justice of the Peace to issue a warrant, directed to the Sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of his said county, not interested in said property, to meet the said Justice at some convenient place at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of said warrant, and if at the time and place named any of the persons so summoned do not attend, the said Sheriff or Constable shall immediately summon as many as may be necessary with the persons in attendance as jurors to furnish a panel of nine jurors, and from them the said company, and the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the said Sheriff or Constable shall for him, her or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such the said Justice of the Peace shall administer to each of them, an oath or affirmation, that they will faithfully and impartially value the land and material required for the construction of such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment, whereupon the said Justice and Jurors shall proceed to view the land or material so required, and to hear the evidence of the respective parties, which the said Justice shall reduce to writing, which shall be signed by the said Justice of the Peace, and the verdict of the jurors thereon shall be signed by Procedure in case of disagreement.

the jurors or a majority of them, and by the Justice of the Peace; and the said Justice of the Peace shall within five days thereafter transmit the same to the clerk of the Circuit Court of the proper county, who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of the land in question, and the value thereof, as aforesaid, and such valuation, when paid together with the costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same, thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plank road; *Provided*, That it shall not be lawful for any justice or jury of inquest to proceed in such valuation of any such property or material in the absence of the owner or owners thereof, his, her or their legal representatives, unless it be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age or non compos mentis, or absent from the county in which said land is situated. Such service of notice, may be made upon the guardian or trustee, under the same restrictions as in the case of the owners, or if there be no guardian, the same shall be established by affidavit: *provided*, That no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof: *Provided*, That any party conceiving himself aggrieved by any decision herein stated, may, in every such case appeal from such decision to the Circuit Court of the county in which the property in question is situated, as in ordinary cases of appeal.

May occupy
roads or high-
ways.

Sec. 11. The directors shall have power in their discretion to construct said plank road along or upon any road or highway now or hereafter to be laid out, opened and established by the proper authorities, and of such width, and in such manner as the said directors shall determine: *Provided*, They procure by agreement with the supervisors of any town, the right to take and use any part of any public highway in such town, for the construction of such proposed road, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor. Every agreement with the supervisors shall be in writing, and

shall be filed in the town clerks office of the town; and such compensation and damages, when paid to the supervisors, shall be expended by them in improving highways, of such town, and they may erect toll-gates and exact toll from persons travelling on their road whenever two consecutive miles are finished, or when the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal one cent per mile; for every horse and rider or led animal, one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile: *Provided*, persons going to and from military parade at which they are required by law to attend, and persons going to or returning from funerals shall be exempt from toll: The toll gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate, any animal or carriage subject to toll until the toll thereon is paid. Toll rates.

Sec. 12. The said directors may receive from any stockholder in said company, in lieu of money, for the stock subscribed by him, real or personal security, to the approval of said board of directors, and upon the acceptance of such security from said stockholders or any of them, the subscription of such stockholder shall be considered as paid, and certificates of stock shall be issued to said stockholders in the same manner as if he had paid in the full amount of his subscription in money, and it shall be competent for the said stockholders paying their subscriptions to said stock in securities as aforesaid, to contract and pay to said company interest at the rate of twelve per centum per annum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages, or notes for such stock, which shall be available for the use and benefit of said company and for all subsequent holders thereof, and be transferable by them or any of them in the same manner as if the same were made payable to individuals, or to their order or assignees. Security for stock.

Sec. 13. If any person shall wilfully or knowingly obstruct, break, injure or destroy the said road to be constructed by said company, or any part thereof, or any work, building, or fixtures attached to or in use upon the same, belonging to said company, such person or persons Penalty for injuring the road.

so offending shall each of them for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

Forfeiture for
avoiding toll.

Sec. 14. Any person who shall wilfully break down any gate on such road which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll shall with his team, carriage, or animal, turn out of said road, or pass any gate thereon or ground adjacent thereto, and again return on said road, shall for each offence forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages.

Increase of
stock.

Sec. 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

Condition of
charter.

Sec. 16. If said corporation should not within three years from the passage of this act commence the construction of said plank road, and expend two thousand dollars or more thereon, then the rights, privileges and powers of the said corporation under this act, shall be null and void.

Sec. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the state shall be received as evidence thereof.

Sec. 18. This act may be altered or amended by any future Legislature of the state of Wisconsin.

Approved June 6, 1853.

Chap. 314.

An Act to incorporate the Port Ulaio, Cedarburg, Jackson, Schliessengerville and Hartford Plank Road Company,

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Jared K. Buch, Frederic Hilyer, Edward

Blank, Frederick Heltk, Ludwig Goekel, Samuel Schon-
atter, Phillip Sepp, Rudolph Miller and Thomas Jenner, Com mission-
ers.
be and they are hereby appointed commissioners, under
the direction of a majority of whom, subscription may be
received to the capital stock of the Port Ulao, Cedarburg,
Jackson, Schleissengerville and Hartford Plank Road
Company, hereby incorporated, and they may cause books
to be opened at such times and places as they shall di-
rect, for the purpose of receiving subscription to the cap-
ital stock of said company, first giving thirty days notice
of the time and places of taking such subscription, by pub-
lishing the same, in one or more newspapers printed in
Ozaukee and Washington counties.

Sec. 2. The capital stock of said company shall be Capital stock.
thirty thousand dollars, in shares of ten dollars each, and
as soon as three hundred shares of the capital
stock shall be subscribed, and five per cent. of
the amount thereof, actually paid in or secured to the
company, the subscribers to said stock, with such
other persons as shall thereafter associate with them for
that purpose, their successors and assigns shall be, and
they hereby are created and declared a body corporate and Incorporated.
politic, by the name and style of the Port Ulao, Cedarburg,
Schleissenverville and Hartford Plank road company,
with perpetual succession, and by that name shall be ca-
pable in law of purchasing, holding, selling, bargaining
and conveying estate, real personal or mixed, and in their
corporate name, may sue and be sued, may have a com-
mon seal which they may alter or renew at pleasure, and
generally may do all and singular, the matters and things
which an incorporate company may by law do.

Sec. 3. The said commissioners, or a majority of them, Notice of first
meeting.
after said three hundred shares of stock shall have been
subscribed as aforesaid, shall give at least twenty days no-
tice, in one or more newspapers of Ozaukee and Washing-
ton counties, of the time and place of meeting of the
stockholders, for the purpose of electing seven directors,
who shall hold their offices until their successors are elect-
ed and annually thereafter; upon the anniversary of the
first election, upon notice of the place of meeting being
given by the Directors then in being, being published in
one or more of the newspapers in the counties aforesaid, to
be designated by the said directors, the said stockholders
shall meet to elect directors: *Provided*, that until the Proviso.
first election of directors, the said commissioners
above named, upon the subscription of three hundred

shares of stock, and the organizing of said commissioners, by the election by them of one of their number president, shall have all the powers, and perform all the duties of a board of directors for said company, and the corporate existence of said company, shall be taken and held to have began and be completed as if a regular election of directors had taken place, and in case of a vacancy at any time happening in the board of Directors, or in the said board of commissioners, acting in the capacity of directors, the board shall have power to fill such vacancy.

Directors.

Sec. 4. The affairs of said company shall be managed by the said directors, who shall be stockholders in person, or by proxies, duly authorized, and in all elections and in all discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and the majority of the votes cast shall govern, except in elections where the seven persons having the greatest number of votes cast for directors, shall be declared duly elected.

Quorum.

Sec. 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president, and they shall have power to appoint a Secretary and Treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for their respective trusts, and may remove said officers, and revoke the powers of said agents at pleasure; they shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers, all of which by laws, not inconsistent with the constitution and laws of the State, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed part of this act of incorporation.

Powers of directors.**Further powers.**

Sec. 6. The said board of directors shall also have power to decide the time and manner in which the stockholders shall pay installments upon their stock, and to declare the forfeiture of said stock, and all prior payments thereon, for failure to pay such installments as may be called for, and also to accept, in behalf of the company, a relinquishment of any stock subscribed and ex-

ted to the person or persons relinquishing the same valid releases discharging them from all liabilities thereafter, for, or on account of the acts of said company or its officers.

Sec. 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts, in the name and under the seal of said company, with any person or persons, as the execution and management of the work, and the convenience and interests of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she or they, shall subscribe for; stating in the body of such certificate or certificates, the amount paid on such share at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the president, and countersigned by the secretary of the said company, and which certificate or certificates shall be transferrable in the manner prescribed by the by-laws of said company. Certificates to stockholders.

Sec. 8. The said company shall have power to locate and construct a single or double track road, from the village of Port Ulao by the way of the village of Cedarburg in the county of Ozaukee, to the village of Hartford, in Washington county, and by the most eligible and practicable route, as the directors shall decide. The track of said Road shall be constructed of plank, stone, gravel, charcoal or either, in whole or in part, each at the option of the directors, so that the same, when completed, shall constitute a firm, regular and proper surface for the passage of wagons and carriages. Route:
Track.

Sec. 9. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants at any time, to enter upon, take possession of, and use such lands, not exceeding four rods in width along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: May enter upon lands for purpose of exploring, &c.
Provided, That in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the company may locate the route of said road, not to exceed six rods in width, and they may also cut down Provided,

such trees, on each side of such road, as may endanger said road by falling or otherwise.

Compensation **Proceedings in case of disagreement of parties.** Sec. 10. When the said Corporation shall not agree with the owner or owners of any land, gravel, stone or other material required for the construction of said road, for the purposes thereof, or for the compensation to be paid therefor, or when by absence or legal incapacity of the owner or owners, no such agreement or purchase can be made therein, and in any such case, it shall be lawful for any Justice of the Peace, to issue a warrant directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said Justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five, nor more than ten days from the date of said warrant; and if at the time and place named, any of the persons so summoned, do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of nine jurors, and from them the said company, and the owner or owners of the property to be valued, their agent or attorney or either of them, and if they are not present in person or by attorney, the sheriff or constable shall, for him her or them strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act assuch, the said justice of the peace, shall administer to each of them an oath or affirmation, that they will faithfully and impartially value the land and material required for such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment, whereupon the said Justice and jurors shall proceed to view the said land or material so required and to hear the evidence of the respective parties, which said justice shall reduce to writing, which shall be signed by the said Justice of the peace, and the verdict of the jurors thereon shall be signed by the jurors or a majority of them, and by the Justice of the peace; and the said Justice of the peace shall, within five days thereafter, transmit the same to the clerk of the circuit court, of the proper county who shall file the same. Such inquisition shall describe the property taken, or to be taken, or the boundaries of land in question, and the value there-

of, as aforesaid, and such valuation, when paid, together with costs of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same, thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken, shall be used for the track of said plank road; *Provided*, That it shall not be lawful for any Justice or jury of inquest to proceed in such valuation of any such property or material, in the absence of the owner or owners thereof, his, her or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had, at least five days notice of the time and place of holding such meeting, for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age, or non compos mentis, or absent from the county in which such land is situated. Such service of notice, may be made upon the guardian or trustee, under the same restrictions as in the case of owners; or if there be no guardian or trustee, the same shall be established by affidavit; *Provided*, that no such materials shall be taken, if the jury shall decide that the same are essential to the owner or owners thereof; *Provided*, that any party, conceiving himself aggrieved by any decision herein stated, may, in every such case, appeal from such decision to the circuit court of the county in which the property in question is situated, as in ordinary cases of appeal.

Proviso:

Proceedings where land belongs to minors, &c.

Proviso:

Sec. 11. The directors shall have power in their discretion, to construct said plank road, along or upon any road or highway now or hereafter to be laid out, opened and established by the proper authorities, and of such width and in such manner as the said directors shall determine; *Provided*, They procure, by agreement, with the Supervisors of any town, the right to take and use any part of any public highway in such town, for the construction of such proposed road, and agree with such supervisors upon the amount of compensation and damages to be paid by such company to such supervisors therefor. Every such agreement with the supervisors, shall be in writing, and shall be filed in the town clerk's office of the town; and such compensation and damages, when paid to the supervisors, shall be expended by them in improving the highways of such town, and they may erect toll-gates, and exact toll from persons traveling on their road, whenever two consecutive miles are finished, or

May construct road upon other thoroughfares.

when the whole road is completed, not exceeding two cents per mile, for every vehicle sled, sleigh or carriage, drawn by two animals, and if drawn by more than two animals, one cent per mile; one cent per mile for every additional animal; for every sled sleigh or carriage drawn by one animal one cent per mile; and for every horse and rider or led animal one cent per mile; for one score of sheep or swine, one cent per mile; for every score of neat cattle, four cents per mile; *Provided*, persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals, shall be exempt from toll. The toll gatherer at each gate, when erected on said road in pursuance of this Act, may detain and prevent from passing such gate, any animal or carriage subject to toll, until the toll thereon is paid.

May receive
security in
lieu of money.

Sec. 12. The said directors may receive from any stock in said company, in lieu of money for the stock subscribed by him, real or personal security to the approval of said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholder shall be considered as paid, and certificate of stock shall be issued to said stockholder, in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for the said stockholders, paying their subscriptions to said stock in securities as aforesaid, to contract and pay to said company interest at the rate of twelve per centum per annum, for a period not exceeding ten years, and to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company, and for all subsequent holders thereof, and be transferrable by them, or any of them in the same manner as if the same were made payable to individuals or to their order or assigns.

Penalty for
obstructing
or injuring
road.

Sec. 13. If any person shall wilfully or knowingly obstruct, break injure or destroy the said road to be constructed by said company or any part thereof, or any work, building, or fixtures attached to, or in use upon the same, belonging to said company, such person or persons so offending, shall each of them, for every such offence, be liable to a civil suit for the recovery of damages by said company, by an action of trespass, in any court having competent jurisdiction in the county where the offence shall have been committed, and shall also be subject to

indictment, and upon conviction, shall be punished by fine and imprisonment, or either, at the discretion of the court.

Sec. 14. Any person who shall willfully break down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass any such gate, without having paid the legal toll, shall, with his team, carriage or animal, turn out said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall for each offence, forfeit a sum not exceeding ten dollars, to and for the use of said company, and also for all damages, Penalty for breaking gates.

Sec. 15. The Directors of said company, at any annual or special meeting of the stockholders with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company, as may be found necessary to complete said road, in such sections as may have been actually commenced, but remain in an unfinished state, for want of means for completing the same. Capital stock how increased

Sec. 16. If said corporation should not within three years from the passage of this act, commence the construction of said plank road, and expend two thousand dollars, or more thereon, then the rights, privileges and powers of the said corporation, under this act, shall be null and void. Commencement

Sec. 17. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State, shall be received as evidence thereof. Public act.

Sec. 18. This act may be altered or amended by any future legislature of the State of Wisconsin.

Approved, June 6, 1853.

An act to establish the Juneau Academy and Normal Institute.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 315.

SECTION 1. Solomon Juneau, ——— Lehman, Silas Coleman, Samuel Baird, E. Parmalee, Hiram Barber, Ch's Billingshurt, Waldo Lyon and A. Atwood and their associates, together with such other persons as may hereafter be associated with them, be and are hereby created a body Created a body politic and corporate,

corporate and politic, with perpetual succession, to be styled by the name and title of the Juneau Academy, and normal institute, by which name they and their successors shall be ever known, and shall have power to sue and be sued to contract and be contracted with, plead and be impleaded defend and be defended, in all courts of law and equity. Said corporation shall have a common seal and shall have power to acquire, purchase, receive, possess, hold and enjoy property real and personal and to sell and convey the same, rent or otherwise lawfully dispose of at pleasure.

Stock deemed
personal prop-
erty.

Sec. 2. The stock of said company shall be divided into shares of ten dollars each which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as shall be directed by the by laws of said corporation.

Sec. 3. Any three of the above named individuals shall have power to call a meeting of said association by giving two weeks notice in a paper published in said village where said corporation is hereby located.

Election of
trustees,

Sec. 4. At the first legally notified meeting the stockholders shall have power to elect by ballot nine trustees three of whom shall be elected for one year, and three for two years and three for three years; and after the first election the three trustees may be elected annually: *Provided* always, that all trustees shall hold their offices until others are elected and qualified in their place.

Sec. 5. At all elections and meetings of the company each stockholder shall be entitled to one vote for each share of stock owned by him.

Powers of
trustees.

Sec. 6. The trustees shall have power first to elect from their number a president, secretary and treasurer, also to elect all other subordinate officers of the corporation: second to call special meetings of the stockholders to fill vacancies in the board of trustees; third to sell lease mortgage or otherwise dispose of any real or personal property of said corporation in such manner as shall be directed by the stockholders; also to erect and keep in repair all necessary buildings for the use of said corporation; fourth to employ suitable teachers and prescribe and direct the course of study and discipline to be observed in said Academy; fifth to prescribe the duties and fix the salaries of all officers of said corporation and to remove or suspend them from office for incapacity or immoral conduct or misbehavior in office and to appoint others in their place; sixth to make all such regulations and by-laws necessary

and proper to carry into effect the power herein granted, and not inconsistent with the constitution and laws of this State.

Sec. 7. No religious test or qualifications shall be required of any trustee of said corporation nor of any student or teacher of said institution. Religious test.

Sec. 8. This act may be amended or altered by any future legislature.

Approved, June 6th, 1853.

An Act to incorporate the Janesville, Fulton and Beloit Railroad Company. Chap. 316.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. William F. Tompkins, H. O. Clark, E. L. Dimock, N. B. Gasten and DeLorma Brooks, be, and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Janesville, Beloit and Fulton railroad company, hereby incorporated, and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions, by publishing the same in some newspaper published in Rock county. Commissioners.

Sec. 2. The capital stock of said company shall be two hundred and fifty thousand dollars, and shall be divided into twelve hundred and fifty shares of one hundred dollars each, and as soon as two hundred and fifty shares shall have been subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall become stockholders in conformity with the provisions of this act, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic, by the name and style of the Janesville, Beloit and Fulton railroad company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, either real, personal, or mixed, they may make, have and use a common seal, and alter break, or renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered. Capital stock.

Name and style.

ed, defend and be defended, contract and be contracted with, and generally may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of said corporation.

First meeting
on notice.

Sec. 3. The said commissioners, or a majority of them, after the said two hundred and fifty shares of stock are subscribed shall close the books of subscription, and shall give at least thirty days notice in the newspaper hereinbefore mentioned, of the time and place by them appointed for the stockholders to meet for the purpose of electing five directors, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Directors.

Sec. 4. All of the affairs of the said corporation shall be managed by a board of five directors, who shall be stockholders, and who are hereby invested with all the powers of the said corporation; they shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held on the first Wednesday of February, by the stockholders of the said company, on like notice as herein prescribed for the first election of directors. The votes shall be delivered in person or by proxy duly authorized, and in all cases in which stockholders shall vote, each share of stock shall be entitled to one vote, and in all election of directors those stockholders equal to the number to be elected, having the greatest number of votes shall be deemed and declared duly elected.

Voting.

The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If from any cause an election of directors shall not be had at the time when by the provisions of this act it should be had, the same may be had at any other time, on thirty days notice to be given as aforesaid, and until such election be had, the directors of the preceding year shall continue to act; and the corporation hereby created, shall not forfeit or loose any of its privileges, franchises or immunities by the reason of the irregularity or want of such election. The board of directors may at any time increase or diminish the number of directors to be elected at the next annual meeting of the stockholders; *Provided*, The number shall not be less than five nor more than fifteen, and in case of such increase or diminution, the number to be elected shall be specified in the notices of election.

Proviso.

Sec. 5. A majority of the board shall constitute a quorum for the transaction of any business, they shall meet at such times and places, and be convened in such manner as they shall decide upon; they shall elect by ballot one of their own number to be President, who shall, when present, preside at all meetings of the directors, and when absent, the directors may appoint a president pro tem. The board of directors shall appoint a secretary, treasurer, and such engineers, superintendents, agents and other officers as they may find necessary, fix their compensation, and may demand adequate security for the faithful discharge of their respective duties and trusts, and fill any vacancy which may occur in their own board. The directors shall have power to re-open the books for subscription to the capital stock of the company, or open new books under their own direction, or the direction of a majority of them, or under the direction of such person or persons as they may designate, and may increase the capital stock to the sum of five hundred thousand dollars; to decide upon the amount to be paid on such subscription, the time, and manner and proportions in which the stockholders shall pay subsequent installments on their respective shares, and to forfeit to the use of the company the share or shares of any person failing to pay any installments so required; to regulate tolls and charges for the transportation of freight and passengers; to make such covenants, contracts, and agreements with any person or persons, copartnership, or corporation whatsoever, as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company for the leasing or purchase of the whole or any part of any railroad constructed or to be constructed by such railroad company; to make and establish such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all of the operations, receipts, disbursements, and all other affairs and proceedings of said company.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders for the number of shares held by them respectively in said corporation, signed by the President and Secretary, and sealed with the common seal of the company, subject however, to all the payments due

Quorum.

Officers.

Powers of directors.

Certificates of stock.

and to grow due thereon, which stock shall be transferable in such manner as shall be provided by the by-laws of the company.

Annual state-
ment.

Sec. 7. At each annual meeting of the stockholders for the election of directors, the directors of the preceding year shall exhibit to the stockholders a complete statement of the affairs and proceedings of the company for such year. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting.

Route.

Powers of
company.

Sec. 8. The said company shall have power to locate and construct a railroad, with one or more railways or tracks, from such eligible point in the city of Janesville to such eligible point in the village of Beloit, and to some point on the Milwaukee and Mississippi Railroad, in the town of Fulton, as shall be determined upon by the said board of directors, and the said company shall have power to transport, take and carry property and persons upon said road, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make, construct and put in operation all such turnouts, side tracks, and connecting tracks, as they shall think will promote the interests of the company, ware-houses, car houses and shops, engine shops, toll-houses, machine shops, and all other fixtures useful for the accommodation of said road, and of those using it; to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running said road, and they shall have power to connect the said railroad with any other railroad or branch railroad, coming in contact therewith, and to operate the same in connection with such other railroad, or branch railroad, and to lease or purchase from any other railroad company the whole or any part of any railroad or branch railroad owned by such company, or to lease or to sell to any other company the whole or any part of the railroad, to be built or owned by this company.

May borrow
money.

Sec. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sums of money from any person or persons, corporations, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, any law upon the subject of usury in this State,

to the contrary notwithstanding; and to make, execute, and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said corporation, in consideration of any such loan or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running said road, and the powers of the said corporation for the purposes aforesaid, and for all purposes necessary to carrying out the object of said company, namely, the construction of a railroad from and to the points aforesaid, are hereby ratified and confirmed, and the contracts and official acts of said company are declared binding in law and equity upon said corporation, and upon all other parties to such contracts.

Further powers.

Sec. 10. If said corporation shall not within three years from the passage of this act commence the construction of said road, and in ten years from the time aforesaid complete the same, then the rights, privileges, and powers of said corporation under this act, shall be null and void.

Condition of the charter.

Sec. 11. It shall be lawful for said company, their officers, engineers, and agents to enter upon any land for the purpose of exploring, surveying, and locating the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, and servants, at any time to enter upon, take possession of, and use such land, not exceeding one hundred feet in width along the line of said route subject however to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided in such cases respectively, and it shall further be lawful for said company, by their officers, engineers, and agents, to enter upon lands adjacent to the railroad, beyond the limits provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation of the business of said road, and for the purpose of making drains and giving a proper direction to water courses, across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel, and stone taken from deep cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the

May enter upon land.

construction and repairs of said road, doing however no unnecessary damage, and all damage which shall be done to any lands or property under the provisions of this section shall be ascertained and paid for in the manner and agreeably to the provisions of this act; and when such damage shall have been paid or tendered, the title to the land occupied by such buildings, fixtures, excavations and embankments shall vest in fee simple in said company, agreeably to the provisions of this act, and it shall further be lawful for said company to purchase and hold in fee simple, lands adjoining or adjacent to the railroad, for the purpose of procuring earth, gravel or other material for embankments and structures necessary to the construction and repairs of said road, and necessary buildings; and whenever such lands shall be no longer needed for the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

Width of land
for road:

Proceedings
where land is
encumbered.

Sec. 12. The said company shall have the right to enter upon any lands required for their use as provided in the eleventh section of this act, and to survey and lay out said road, not exceeding 100 feet in width, and the said company shall, if possible, agree with the owner of said lands as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same, and if the person or persons owning or possessing the legal or equitable title, lien or incumbrance shall be a minor, non compos mentis, insane, or married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman, and if said company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitration in the manner following, to wit: the said company shall select a disinterested arbitrator, and such owner, guardian or husband shall select another, who shall be disinterested, and not of kin to him, or if they should neglect or refuse for the space of three days after being notified by said company so to do, or if they be non-residents of this state, they shall be notified by mail, by letter signed by the secretary, and addressed to their usual place of residence, to select such arbitrators, and if they shall refuse or neglect for the space of sixty days after mailing such letter, then in all cases of neglect or refusal as aforesaid, the Judge of the County Court, or Chairman of the County Board of Supervisors of the County in which such land shall lie, shall appoint

three competent persons to act as arbitrators, who shall not be of kin to the claimant, or in any manner interested in said company, and the said arbitrators, having first determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation, which shall be paid by said company to such person for the land so taken, and shall deliver a copy of their award in writing to each of the parties, and if the amount awarded by said arbitrators, shall be more than said company had have previously offered to pay, then said company shall pay all the expenses of said arbitration; and if it shall be less then the other shall pay such costs; and either party may within ten days after receiving a copy of such award appeal from the same to the court of proper jurisdiction for the county in which such land is situated by giving written notice of such appeal, to some one of the arbitrators, and upon receiving such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said cause on its docket, setting down the claimant or claimants as plaintiff and the said company as defendant, and said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all the facts and circumstances which said arbitrators were by this act required to take into consideration, and the said court shall thereupon proceed to render judgment in favor of such claimant against said company, and if the amount so found for such claimant shall exceed the amount so found by said arbitrators, then judgment shall be rendered in favor of said company for costs and against said claimant, and when such compensation so to be ascertained according to the provisions of this act, shall be paid or tendered to the party entitled to the same, the title to said land shall vest in said company in fee simple, and a copy of such award or judgment, filed in the office of the register of deeds of the county in which the lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of said lands for all the lawful purposes of said corporation, and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment, by any proceedings either at law or in equity.

When title
shall vest.

The said arbitrators before entering upon their duty shall severally take and subscribe an oath, faithfully and honestly to perform the duties of their appointment, which oath shall be returned with their award.

May cross
highways.

Sec. 13. The said company may construct the said railroad across any public or private road, highway, stream of water or water-course, if the same shall be necessary, but the said company shall restore such road, highway, stream of water or water-course to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, stream of water or water course to the owner or to the public.

Money for
Freights, &c.

Sec. 14. On the completion of said railroad or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from time to time think reasonable.

Liabilities for
injuring road

Sec. 15. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building or machinery attached to or in use upon the same, belonging to said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road such person or persons so offending, shall each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of damages caused by such offence, which may be recovered in the name of the said company by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, shall also be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either at the discretion of the court.

Shall fence
road.

Sec. 16. The said company before opening their road through enclosed ground, shall erect such fencing as shall preserve such enclosure entire, and shall before they commence to use their road as a railroad erect a good and sufficient fence on both sides of their road through all such enclosed grounds, and shall maintain the same.

Sec. 17. This act is hereby declared to be a public act, and shall be favorably construed to effect the purpose thereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof in all cases.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved, June 6, 1853.

An Act to incorporate the Fort Howard and Lake Winnebago Railroad Company.

Chap. 317.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Otto Tank, Joel S. Fisk, John W. Arndt, Daniel Bromley, Oskin Gray, Lyman Fargo, Harrison Reed, F. M. Powers, and Edward Eastman be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Fort Howard and Lake Winnebago Railroad Company, hereby incorporated; and they may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions by publishing the same in some newspaper printed in the counties of Brown and Winnebago.

Commissioners.

Books, when opened.

Sec. 2. The capital stock of said company shall be two millions of dollars, and shall be divided into twenty thousand shares of one hundred dollars each, and as soon as four hundred shares shall have been subscribed, and five dollars on each share actually paid in, the subscribers of such stock, with such other persons as shall become stockholders in conformity with the provisions of this act, their successors and assigns, shall be and they are hereby declared and created a body corporate and politic by the name and style of the Fort Howard and Lake Winnebago Railroad Company, and by that name shall have perpetual succession, and shall have and enjoy all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estate, either real, personal, or mixed; they may have and use a common seal, and alter, break, or renew the same at pleasure, and by that name may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of the said corporation.

Capital stock.

Incorporated.

Grant of powers.

Sec. 3. The said commissioners, or a majority of them, after the said four hundred shares of stock are subscribed, shall close the books of subscription, and shall give at least thirty days notice in the newspapers hereinbefore mentioned of the time and place by them appointed for the stockholders to meet for the purpose of electing thirteen

First meeting on notice.

directors, and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until other directors are elected.

Directors. Sec. 4. All of the affairs of the said corporation shall be managed by a board of thirteen directors, who shall be stockholders, and who are hereby invested with all the powers of the said corporation. They shall be chosen annually by ballot at the annual meeting of the stockholders, which shall be held on the first Wednesday of February, by the stockholders of the said company, on like notice as herein prescribed for the first election of directors.—

Voting. The votes shall be delivered in person, or by proxy duly authorized, and in all cases in which stockholders shall vote, each share of stock shall be entitled to one vote, and in all elections of directors, those stockholders equal to the number to be elected, having the greatest number of votes, shall be deemed and declared duly elected. The elections shall be conducted in such manner as shall be prescribed by the by-laws of the company. If from any cause an election of directors shall not be had at the time when by the provisions of this act it should be had, the same may be had at any other time, on thirty days notice to be given as aforesaid, and until such election be had the directors of the preceding year shall continue to act, and the corporation hereby created shall not forfeit or lose any of its privileges, franchises, or immunities by the reason of the irregularity or want of such election. The board of directors may at any time increase or diminish the number of directors to be elected at the next annual meeting of the stockholders: *Provided*, The number shall not be less than five nor more than fifteen, and in case of such increase or diminution, the number to be elected shall be specified in the notice of election.

Proviso.

Qorum. Sec. 5. A majority of the board shall constitute a quorum for the transaction of any business; they shall meet at such time and place, and be convened in such manner as they shall decide upon; they shall elect by ballot one of their own number to be President, who shall, when present, preside at all meetings of the directors, and when absent the directors may appoint a President pro tem.

Officers. The board of directors shall appoint a Secretary, Treasurer, and such engineers, superintendents, agents, and other officers as they may find necessary, fix their compensation, and may demand adequate security for the faithful discharge of their respective duties and trusts, and fill any

vacancy which may occur in their own board. The directors shall have power to re-open the books for subscription to the capital stock of the company, or open new books, under their own direction, or the direction of a majority of them, or under the direction of such person or persons as they may designate; to decide upon the amount to be paid on such subscription, the time and manner and proportions in which the stockholders shall pay subsequent instalments on their respective shares, and to forfeit to the use of the company the share or shares of any person failing to pay any instalments so required; to regulate tolls and charges for the transportation of freight and passengers; to make such covenants, contracts and agreements with any person or persons, copartnership, or corporation, as the execution and management of the works and the convenience and interests of the company may require; to make any contract or agreement which they shall think proper with any other railroad company for the leasing or purchase of the whole or any part of any railroad constructed or to be constructed by such railroad company; to make and establish such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States or of this State, as they shall think necessary for the well ordering of the affairs of said company, and in general to superintend and direct all of the operations, receipts, disbursements, and all other affairs and proceedings of said company.

Sec. 6. The directors shall issue a certificate or certificates to the stockholders, for the number of shares held by them respectively in said corporation, signed by the President and Secretary and sealed with the common seal of the company, subject, however, to all the payments due or to grow due thereon, which stock shall be transferable in such manner as shall be provided by the by-laws of the company.

Sec. 7. At each annual meeting of the stockholders, for the election of directors, the directors of the preceding year shall exhibit to the stockholders a complete statement of the affairs and proceedings of the company for such year. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders holding one-fourth in amount of the capital stock, on like notice as that required for annual meetings, specifying the object of the meeting.

Sec. 8. The said company shall have power to locate and construct a railroad, with one or more railroads or

Powers of directors.

Certificates of stock.

Annual statement.

Route.

tracks, from such eligible point in the village of Fort Howard, by way of Menasha, to such eligible point in the village of Oshkosh, as shall be determined upon by the said board of directors; and the said company shall have power to transport, take, and carry property and persons upon said road, by the power and force of steam, of animals, or of any mechanical or other power, or of any combination of them, and to make, construct, put in operation all such turnouts, side tracks, and connecting tracks as they shall think will promote the interests of the company, warehouses, car houses and shops, engine shops, toll houses, machine shops, and all other fixtures useful for the accommodation of said road and of those using it; to manufacture or purchase all necessary engines, tenders, cars, and other conveniences for running said road, and they shall have power to connect the said railroad with any other railroad or branch railroad coming in contact therewith, and to operate the same in connection with such other railroad or branch railroad, and to lease or purchase from any other railroad company, the whole or any part of any railroad or branch railroad owned by such company, or to lease or to sell to any other company the whole or any part of the railroad to be built or owned by this company.

Powers of the company.

May borrow money.

Sec. 9. The said company is hereby authorized and fully empowered, in its corporate capacity, to borrow any sums of money from any person or persons, corporation, or body politic of any kind, and for any rate of interest which may be agreed upon by and between said company and any person or party of whom such money may be obtained, any law upon the subject of usury in this State to the contrary notwithstanding, and to make, execute, and deliver all necessary writings, notes, bonds, mortgages, or other papers and securities in amount and kind as may be deemed expedient by said corporation in consideration of any such loan or in discharge of any liabilities that it may incur in the construction, repair, equipment, or running of said road, and the powers of said corporation for the purposes aforesaid, and for all purposes necessary to carrying out the objects of said company, namely, the construction of a railroad from and to the points aforesaid, are hereby ratified and confirmed, and the contracts and official acts of said company are declared binding in law and equity upon said corporation and upon all other parties to such contracts.

Sec. 10. If said corporation shall not within three years from the passage of this act commence the construc-

tion of said road, and in ten years from the time aforesaid complete the same, then the rights, privileges, and powers of said corporation under this act shall be null and void.

Condition of
the charter.

Sec. 11. It shall be lawful for said company, their officers, engineers, and agents, to enter upon any land for the purpose of exploring, surveying, and locating the route of said railroad, doing thereto no unnecessary damage, and when the said route shall be determined by said company, it shall be lawful for them, their agents, engineers, contractors, and servants at any time to enter upon, take possession of, and use such land, not exceeding one hundred feet in width along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, or shall be ascertained in the manner hereinafter provided in such cases respectively, and it shall further be lawful for said company, by their officers, engineers, and agents, to enter upon lands adjacent to the railroad, beyond the limits provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation of the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary beyond the limits of said road, and to remove all substances and things which might endanger, obstruct, or interfere with the free use of said road, and to deposit earth, gravel, and stone taken from deep cuts, and to obtain earth, gravel, and other materials for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage, and all damages which shall be done to any lands or property under the provisions of this section shall be ascertained and paid for in the same manner and agreeably to the provisions of this act, and when such damages shall have been paid or tendered, the title to the land occupied by such building, fixtures, excavations, and embankments shall vest in fee simple in said company, agreeably to the provisions of this act; and it shall further be lawful for said company to purchase and hold in fee simple lands adjoining or adjacent to the railroad, for the purpose of procuring earth, gravel, or other materials for embankment and structures necessary to the construction and repairs of said road and necessary buildings, and whenever such lands shall be no longer needed for

May enter up-
on lands.

Compensation

the purposes aforesaid, the said company is hereby authorized to sell and convey the same.

Right of way
granted.

Sec. 12. The said company shall have the right to enter upon any lands required for their use as provided in the eleventh section of this act, and to survey and lay out said road, not exceeding one hundred feet in width, and the said company shall, if possible, agree with the owner of said lands as to the amount of compensation to be paid for said lands, whether such person shall own or possess the legal or equitable title to the same or any lien or incumbrance on the same; and if the person or persons owning or possessing the legal or equitable title, lien, or incumbrance shall be a minor, non compos mentis, insane, or married woman, or under any legal disabilities, then with the guardian of such person, or the husband of such married woman, and if said company cannot agree with such owner, or with such guardian or husband, then such question of compensation shall be submitted to arbitrators in the manner following, to wit; the said company shall select a disinterested arbitrator and such owner, guardian or husband shall select another, who shall be disinterested and not of kin to him, or if they should neglect or refuse for the space of three days after being notified by said company so to do, or if they be non-residents of this State, they shall be notified by mail, by letter signed by the Secretary and addressed to their usual place of residence, to select such arbitrators; and if they shall refuse or neglect for the space of sixty days after mailing such letter, then in all cases of neglect or refusal as aforesaid, the Judge of the county court or chairman of the county board of supervisors of the county in which such land shall lie, shall appoint three competent persons to act as arbitrators, who shall not be of kin to the claimants or in any manner interested in said company, and the said arbitrators, having determined that it was necessary to take said property, shall proceed to make an award of the amount of compensation which shall be paid by said company to such persons for the land so taken, and shall deliver a copy of their award in writing to each of the parties, and if the amount awarded by said arbitrators shall be more than said company had previously offered to pay, then said company shall pay all the expenses of said arbitration; and if it shall be less, then the other party shall pay such costs; and either party may, within ten days after receiving a copy of such award, appeal from the same to the court of proper jurisdiction for the county

Settlement
for damages.

in which such land is situated, by giving written notice of such appeal to some one of the arbitrators, and upon receiving such notice of appeal it shall be the duty of the arbitrators to certify all the proceedings to said court; and the said court shall enter said case on its docket, setting down the claimant or claimants as plaintiffs and the said company as defendants, and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all of the facts and circumstances which said arbitrators were by this act required to take into consideration, and the said court shall thereupon proceed to render judgment in favor of said claimant against said company, and if the amount so found for said claimant shall exceed the amount so found by said arbitrators, then judgment shall be rendered against said company for costs, and if it shall not exceed the amount so found by said arbitrators, then judgment shall be rendered in favor of said company for costs and against said claimant. And when such compensation so to be ascertained according to the provisions of this act, shall be paid, or tendered to the party entitled to the same, the title to said lands shall vest in said company in fee simple, and a copy of such award or judgment, filed in the office of the Register of Deeds of the county in which the lands lie, shall be sufficient evidence of such title; and the said company shall have full power and authority, pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy, and enjoy the peaceable and uninterrupted possession of said lands for all the lawful purposes of said corporation, and they shall not, while such proceedings shall be pending or until such refusal, be disturbed in such possession, use, occupancy, and enjoyment, by any proceeding, either at law or equity. The said arbitrators, before entering upon their duty, shall severally take and subscribe an oath to faithfully and honestly perform the duties of their appointment, which oath shall be returned with their award.

Sec. 13. The said company may construct the said railroad across any public or private road, highway, stream of water or water course, if the same shall be necessary, but the said company shall restore such road, highway, stream of water or water course, to its former state, or in sufficient manner not to impair the usefulness of said road, highway, stream of water or water course to the owner or to the public. May cross
thoroughfares.

May receive money for passage or freight. Sec. 14. On the completion of said railroad, or any section of the track not less than five miles, it shall and may be lawful for the company to demand and receive such sum or sums of money for passage and freight of persons and property as they shall from time to time think reasonable.

Penalty for injuring road. Sec. 15. If any person shall wilfully and knowingly injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building, or machinery attached to or in use upon the same, belonging to said company, or shall wilfully and maliciously place any obstruction or thing upon the track of said road, such person or persons so offending shall, each of them, for every such offence, forfeit and pay a sum not exceeding three times the amount of the damages caused by such offence, which may be recovered in the name of said company, by action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed, and shall also be subject to indictment, and upon conviction of any such offence shall be punished by fine and imprisonment, or either, at the discretion of the court.

Shall make fence. Sec. 16. The said company, before opening their road through enclosed ground, shall erect such fencing as shall preserve such enclosure entire, and shall, before they commence to use their road as a railroad, erect a good and sufficient fence on both sides of their road through all such enclosed grounds, and shall maintain the same.

Sec. 17. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes thereby intended, and copies thereof printed by authority of the State shall be received as evidence thereof in all cases.

Sec. 18. This act shall take effect and be in force from and after its passage.

Approved June 6, 1853.

Chap. 318.

An Act to Incorporate the Globe Navigation Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That all such persons, as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be, and are hereby constituted and made a body corporate and politic, by the

name and style of the "Globe Navigation Company" and by that name shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits complaints, matters, and causes whatsoever, may have a common seal, alter the same at pleasure, and by the same name shall be capable of purchasing, holding and conveying any estate, real or personal for the use and benefit of said corporation.

Incorporated.
Grant of power.

Sec. 2. The capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed to be personal property, and may be transferred in such manner as the by-laws of the company direct.

Capital stock.

Sec. 3. Said corporation, shall have power to purchase charter, construct and build, vessels to be propelled by steam, sail or otherwise for the purpose of using them in navigation; may erect buildings and machinery for such manufacturing purposes or for building and repairing vessels, to be moved by steam, or other power, on any lands in the city or county of Milwaukee, which are now or may be hereafter owned by said company; may in their corporate capacity and name, make and execute to any person or persons, or body corporate or politic, any and all writings, notes, bonds, mortgages on real or personal property belonging to said corporation in the due prosecution of their business, or as security for the loan of money borrowed by, or due from said company to any person or persons, or body corporate, all of which said company is authorized to do, any law of this State to the contrary notwithstanding, but this section shall not be so construed as to confer banking powers, upon said corporation.

Powers of the company.

Sec. 4. The property and affairs of said company shall be managed and conducted by a board of not less than three, nor more than nine directors, who shall be elected annually, and who shall respectively be stockholders in said corporation, and who shall be elected as aforesaid, by the stockholders at such time and place as shall be directed by the by-laws of the corporation, each share of stock being entitled to one vote, and may be cast by the holder thereof, or by proxy duly authorised; all such elections shall be by ballot, and the persons receiving the majority of votes cast shall be directors, and when any vacancy shall happen from any cause it shall be filled for the re-

Election of directors.

mainder of the year, in such manner as shall be provided for by the by-laws of the said corporation; the number of directors and how many shall constitute a quorum for the transaction of business shall be determined by said by-laws.

President.

Sec. 5. The said directors shall annually after their election, elect one of their number president, whose duty it shall be to preside at the meetings of the board, and in case of his absence at any meetings, the directors present may elect one of their number president pro tem. The directors shall have power to make and prescribe such by-laws, rules and regulations, respecting the management of property, concerns, business and stock of said corporation, as they may deem expedient and proper: all meetings for the transaction of business for the corporation shall be held, at their office, which shall be located in the city of Milwaukee, and the manner and times of calling meetings shall be prescribed in the by-laws of said company. The Directors shall have power to appoint a Treasurer and Secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure; and fix the compensation and define the duties of all officers: they shall have power to decide the time, manner and proportions in which the stockholders shall pay the money due, or an equivalent therefor, on their respective shares, and to make such rules respecting the forfeiture of stock and shares as they may deem advisable; they shall also have power to appoint a time certain each year for the election of directors: but such election shall always be held at the office of said company upon due notice to the stockholders of not less than thirty days before such election: *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any time upon a like notice being given to the stockholders, and the directors of the preceeding year shall in all cases continue to act until the election of their successors in office.

Directors,
Treasurer and
Secretaries.

Proviso.

Opening of
books.

Sec. 6. Books for subscriptions to the capital stock of said company shall be opened at the office of George Papendick & Co, in the city of Milwaukee, on the first Monday of May next, under the inspection of George Papendick, Thomas Williams, George D. Dousman, John Loomis, James Ludington, John Lockwood and Ashel Finch, Jr., and a majority of whom may keep said books open from day to day, until at least fifty thousand dollars of said stock be subscribed for, when the said book of

subscriptions may be delivered to such subscribers, and the said subscribers shall then proceed to elect the board of directors as herein provided for, and such directors, when so elected, shall at their first meeting determine the amount of capital of said corporation, which shall in no case exceed one hundred and fifty thousand dollars; and if such capital stock shall be fixed at any sum less than the last named amount, the same may at any time thereafter be increased by a two-third vote of the said directors at a regular meeting thereof, to any amount not in whole, however, exceeding the said sum of five hundred thousand dollars.

First meeting.

Sec. 7. Each stockholder in said corporation shall be individually liable for the debt due by said corporation, to an amount equal to the amount of stock owned by him: *Provided*, That no suit shall be maintained against any such stockholder for any debt due by said corporation until a judgment shall be rendered therefor against the corporation and execution issued thereon and returned unsatisfied in whole or in part.

Individual liability.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved, June 6, 1853.

An Act to amend an act incorporating the city of Oshkosh.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 319.

SECTION 1. That an act entitled an act to incorporate the city of Oshkosh, approved March 25th, A. D. 1853, is hereby so amended as to authorize the aldermen in each ward of said city to select one of their number who shall act as supervisor, and who shall by virtue of his office represent such ward in the county board of supervisors of Winnebago county, in the same manner as the several towns are represented in said board.

Supervisors.

Sec. 2. All acts and things done, and all elections held under and in pursuance of the provisions of said acts, are hereby declared to be binding and lawful for all purposes therein contemplated, as fully and to all intents and purposes, as if said act had expressly prescribed that it should go into effect from and after its passage.

Acts legalized.

Sec. 3. This act shall take effect from and after its passage.

Approved, June 22, 1853.

Chap. 320.

An Act to consolidate the capital stock of the Madison and Prairie du Chien Railroad Company with the capital stock of the Milwaukee and Mississippi Railroad Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Consolidation
declared valid.

SECTION 1. That the consolidation of the capital stock of the Madison and Prairie du Chien Railroad Company with the capital stock of the Milwaukee and Mississippi Railroad Company, upon the terms and conditions as agreed upon between the respective companies on the eighteen day of May, A. D. 1853, be and the same is hereby declared to be valid and effectual in law, and of the same binding force as if the charter of the last named company had contained the express authority or power to effect such consolidation, and that all the rights, privileges, grants, powers and immunities conferred by the charter of the said Madison and Prairie du Chien Railroad Company be, and the same are hereby declared to be transferred to conferred upon the said Milwaukee and Mississippi Railroad Company, and that the capital stock of the consolidated company shall be the aggregate of the capital stock of the two companies, that is to say: four millions and five hundred thousand dollars; *Provided*, That nothing herein contained shall be construed as to authorize the consolidated company to construct a road upon any route or line other than those authorized by the respective charters of the two companies.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, June 25, 1853.

Chap. 321.

An Act to authorize the Milwaukee and Fond du Lac and Milwaukee, Fond du Lac and Green Bay Railroad Companies to consolidate.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Authorized to
consolidate.

SECTION 1. The Milwaukee and Fond du Lac Railroad Company are hereby authorized and empowered to consolidate its capital stock with the capital stock of the Milwaukee, Fond du Lac and Green Bay Railroad Company, upon such terms and conditions as may be mutually agreed upon by a majority of the two boards of directors acting in convention.

Sec. 2. Whenever the two companies shall agree to consolidate, and shall have agreed upon the terms thereof, that all the rights, privileges, grants and immunities con-

ferred by the charters of the respective companies are hereby declared to be merged in and conferred upon the consolidated company, and that the capital stock thereof is hereby declared to be the aggregate of the capital stock of the two companies, and the name and style of the consolidated company hereby created shall be the Milwaukee, Fond du Lac and Green Bay Railroad Company. Capital stock.

Sec. 3. That the directors of the consolidated company shall not be less than seven nor more than thirteen, as shall be determined by the stockholders, and shall be elected by the stockholders owning stock in either of the two companies consolidated, and each share of stock shall entitle the holder to one vote, and the first election for directors shall be held at the United States Hotel in the city of Milwaukee, on the fifty day of July in the year of our Lord one thousand eight hundred and fifty-three, between the hours of two and four o'clock in the afternoon; Provided, That if for any cause such election should not be held at the time and place fixed therefor, the same may be held at such time and place as may be designated by a majority of the directors of the two companies, and five days notice thereof given to the stockholders by publishing the same in one or more newspapers printed and published in the city of Milwaukee. Directors.

Sec. 4. That the common council of the city of Milwaukee are hereby authorized and empowered to issue of the bonds of said city an amount not exceeding two hundred thousand dollars to the consolidated company, according to the terms and conditions of an act entitled an act to authorize the city of Milwaukee to loan its credit in aid of certain railroads, in lieu of issuing the said bonds to the Milwaukee and Fond du Lac Railroad Company as authorized by said law. May issue bonds.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved June 27, 1853.

An Act to authorize the common council of the city of Milwaukee to levy a special tax in the fourth ward, to raise money for the purpose of grading and filling the public square, and the street surrounding it in said ward.

Chap. 322.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Common Council of the city of Milwaukee are hereby authorized to levy a special tax upon

Special tax. all the taxable property in the fourth ward of said city, sufficient to defray the expense of filling with earth the public square, and those portions of Third, Fourth and Sycamore streets bounding said public square, (the cost or expense of which is chargeable to the said ward) to such a height as the aldermen and street commissioners of said ward may order or direct, which tax shall be collected and paid over to the city treasurer at the same time, and in the same manner and form, as other taxes are collected and paid.

Sec. 2. This act shall take effect from and after its passage.

Approved, June 27, 1853. "

Chap. 323.

An Act to amend an act entitled "an act to incorporate the Marine, Fire and Life Insurance Company of Wisconsin." Approved, February 16, 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The name of the Marine, Fire and Life Insurance Company of Wisconsin, incorporated by an act entitled "an act to incorporate the Marine, Fire and Life Insurance Company of Wisconsin," approved February 16, 1853, is hereby changed to "Commercial Insurance Company," and by that name the said Company shall hereafter be known and designated in all courts and places whatsoever.

Sec. 2 This act shall take effect immediately.

Approved, June 27, 1853.

Chap. 324.

An Act to amend section nine of Chapter three hundred ninety-two of the Session Laws of 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

May build a branch road.

SECTION 1. Section nine of Chapter three hundred and ninety-two of the Session Laws of eighteen hundred and fifty-two, is hereby amended so as to read as follows : "The said company shall have power to locate and construct a single or double track railroad from the city of Racine through the counties of Racine, Walworth, Rock, Green, LaFayette and Grant, via the city of Janesville, to the Mississippi river, and also to build a branch railroad from the main line of said road at any point west of

Fox river to Beloit, and shall have power to transport, ^{Further} take and carry property and persons upon the same by ^{Grant of} power and force of steam, of animals, or of any mechanical or other power, or by any combination of them, and they shall also have power to make, construct and erect all such side tracks, turnouts and connecting tracks, and also such warehouses, toll houses, machine shops, carriages, cars, and other works and appendages as may be necessary for the convenience of the company for the use of said railroad, and also to connect said railroad and operate the same with other railroads, and branch railroads, in the state of Wisconsin, and consolidate the capital stock of the said company with the capital stock of any railroad company with which the road of the said companies shall intersect. and shall have full power to place the road of this company and its capital stock so consolidated under the direction of a joint board of directors, to be chosen on such terms as the directors of the companies consolidating their capital stock shall agree upon.

Sec. 2. This act shall take effect from and after its passage.

Approved June 27, 1853.

An Act to authorize the Common Council of the city of Milwaukee to levy a tax for ward purposes in the fifth ward of the city of Milwaukee. Chap. 325.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Common Council of the city of Milwaukee may, at the time of levying other city taxes for the year 1853, increase the amount to be raised for ward purposes for the fifth ward over and above what they are now authorized to levy by the city charter for ward purposes, such increased amount shall not exceed eight mills on the dollar upon all the taxable property of said ward, such tax to be collected at the same time, and in the same manner that other city taxes are collected.

Sec. 2. This act shall be in force from and after its passage.

Approved, June 30, 1853.

An Act to authorize the supervisors of the town of Lake, in Milwaukee county, to lay out a road therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 326

SECTION 1. The Supervisors of the town of Lake, in Milwaukee county, are hereby authorized to lay out and

establish a private road on the section line between section four and five, from the Chicago or Telegraph road, so far towards the river Kinnekenik as they may deem necessary.

Sec. 2. The damages for laying out and opening said road shall be assessed and paid according to section sixty-six, chapter sixteen of the revised statutes.

Approved June 30, 1853.

Chap. 327.

An Act to authorize the city council of the city of Fond du Lac to construct a bridge across the Fond du Lac river, and to levy and collect a tax or taxes to aid in the construction of the same.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows :

Location.

SECTION 1. The City Council of the city of Fond du Lac are and they are hereby authorized to construct or cause to be constructed a bridge, or as many bridges across the Fond du Lac river, within section ten, in township number fifteen, north of range number seventeen, east, lying within the corporate limits of said city, as in the opinion of said city council the necessities of said city may require; *Provided*, That said bridges be constructed with a suitable draw or draws, so as to admit of the free passage of boats, vessels, barges and rafts.

Special tax.

Sec. 2. The said City Council are and they are hereby authorized and empowered for the purpose of constructing or causing to be constructed a bridge or bridges within the corporate limits of said city, as aforesaid, to levy and collect a special tax or taxes on the taxable property within said city, which tax or taxes shall be levied and collected in the same manner as annual taxes are collected.

Acts repealed.

Sec. 3. The provisions of the act to declare the Fond du Lac river a navigable stream, approved March 15th, 1849, wherein inconsistent with or conflicting with the provisions of this act are, and are hereby repealed, and all acts and parts of acts inconsistent with or conflicting with the provisions of this act are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved, June 30, 1853.

An Act to incorporate the Sun Mutual Insurance Company.

*The people of the State of Wisconsin, represented in Chap. 328.
Senate and Assembly, do enact as follows :*

SECTION 1. That Moses G. Atwood, Charles Pierce, N. Wells, John W. Chickering, Wm. F. D. Wolf, John D. Pierce, Jacob A. Burtchy, Moses R. Pierce, E. B. Livingston, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be incorporated by the name of Sun Mutual Insurance Company, and in such name may sue and be sued, plead and be impleaded, within any court of law and equity in this State. Incorporated.

Sec. 2. The persons named in the first section of this act are hereby appointed directors.

Sec. 3. In addition to the general powers and privileges of a corporation, the corporation hereby created shall have power by instrument under seal or otherwise: Special powers.

1st. To make insurance on dwelling houses, stores, manufactories, and all other kinds of property of whatsoever name, kind or nature, against loss or damage by fire, and to do and perform all necessary acts and things connected with these objects, or any of them.

2nd. To make marine insurance upon vessels, hulls of steam boats, flat and keel boats, freight lists, goods, wares and merchandize, specie, bullion, commission, profits, bank notes, and bills of exchange, and other evidences of debt, bottomry and respondentia interest, and to make all and every insurance connected with marine or inland transportation or navigation risks, and to do and perform all necessary acts and things connected with these objects or any of them.

Sec. 4. They may cause themselves to be re-insured against any risk or risks which they may have made, or shall assume to make in the progress of their business.

Sec. 5. All the corporate powers of the said company shall be executed by a board of directors, and such officers and agents as they may appoint. The board of directors shall consist of nine persons, with the power to increase their number to twenty-four, and also to fill all vacancies that may happen; they shall elect a president, a vice-president and secretary, and who shall on their election, be ex-officio members of said board of directors; said board of directors shall have power, by a by-law, to declare what number less than a majority of the whole, shall be a quorum for the transaction of business. Power of directors.

Members.

Sec. 6. Every person having taken a policy during the preceding year, directly in his own name, or in the name of his firm, and every person holding in his own name or in the name of his firm, a certificate of the company not discharged by the payment of losses, shall be deemed a member of said company. Every person who shall become a member of this company by effecting insurance therein, and shall pay the rates of premium that shall be fixed upon, determined by the directors, their officers or agents, shall be entitled to share pro. rata in the profits of the business, and no premium so paid or determined upon shall ever be withdrawn from said company until a net profit of two hundred thousand dollars shall have been made after deducting all losses and expences incurred by the company.

**May invest
premiums in
stock.**

Sec. 7. It shall be lawful for said company to invest said premiums in stocks, bond and mortgages on real estate, notes of hand, bills of exchange, and on bottomries and respondentia, and to charge and re-invest the same; and it shall be lawful for said company from time to time, to divide such part of the accruing interest as they may deem equitable to and among the holders of such certificates, original certificates may be called in by the company and new ones issued in their stead, less the proper reduction. All the certificates or interest in the company shall be deemed personal property.

**Members en-
titled to a cer-
tificate of pro-
fits.**

Sec. 8. Each member shall be entitled to certificate of the profits of the company in proportion to the amount of his premiums paid. Said certificates shall be liable for any future losses of said company. No certificate shall be issued for the fractional sums less than one dollar, but all such factional sums and sum of less than one dollar, are to be passed to the contingent accounts of the company, and applied to the expenses and other charges of the years to which they appertain.

**Redemption of
certificates.**

Sec. 9. When the accumulated net profits of the company shall exceed two hundred thousand dollars, the excess, after paying interest upon the scrip outstanding, may be applied from year to year thereafter, towards the redemption of each years certificates in whole or in part, but the certificates of a subsequent year shall not be rendered until all those of preceding years are provided for.

Sec. 10. Suits at law may be prosecuted and maintained by any member of the corporation, but no member of said corporation not being in his individual capacity a

party to such suit shall be incompetent as a witness, any statute of this state to the contrary notwithstanding.

Sec. 11. The business of the company shall be carried on at such place in Appleton, or elsewhere, as the directors shall direct, and at such agencies as they may establish. Location of business.

Sec. 12. The directors shall have power to provide for an adequate guarantee fund.

Sec. 13. The president and directors shall have power to ordain, establish and put in execution such rules, regulations, ordinances and by laws as they may deem essential for the well government of the company, not contrary to the constitution of the United States or of the state of Wisconsin, and generally to do and perform all acts, matters and things, which a corporation may or can do lawfully. Rules—ordinances.
By-laws.

Approved July 5, 1853.

An Act to amend an act entitled an act to incorporate the Watertown, Hubbellville, Portland and Waterloo Plank Road Company.

Chap. 329.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the Watertown, Hubbellville, Portland and Waterloo Plank Road Company is hereby changed to that of the Watertown and Portland Plank Road Company, and by that title and style shall hereafter be known in law. Name changed

Sec. 2. The stockholders in the Watertown and Portland Plank Road Company are hereby authorized and empowered at the annual meeting for the election of directors in said company, to reduce the number of directors to any number not less than four, and each share of stock shall be entitled to one vote, and a majority of all the votes cast on that question shall determine the number of directors to be elected for the year next ensuing. Number of directors reduced.

Sec. 3. If the directors shall not be able to procure by agreement with the supervisors of any town the right to take and use any part of any public highway in such town for the construction of such road, and agree with such supervisors upon the amount of compensation and damage to be paid by such company to such supervisors therefor, as is provided for in section eleven of the act to which this is amendatory, then and in that case the same pro- Procedure in case of disagreement.

ceedings shall be had as is provided for in section ten of said act.

Sec. 4. All acts and parts of acts conflicting with the provisions of this act is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved, July 5, 1853,

Chap. 330. An Act to amend an act entitled an act to incorporate the Merchants' Mutual Insurance Company of Milwaukee, Approved February 10th, 1847.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of the act to which this act is amendatory is hereby amended by adding thereto the following :

4. To acquire and receive any real estate in the payment of debts due to such corporation, and to become the purchaser of any real estate upon any execution or mortgage sale or otherwise, when said corporation are enforcing a remedy upon any debt or contract for the benefit of such corporation, and to hold and dispose of such real estate at pleasure.

Sec. 2. Section ten (10) of the act to which this is amendatory is hereby amended so as to read as follows :

Sec. 10. It shall be lawful for the said company to invest their funds upon personal securities, or on bonds and mortgages on unincumbered real estate in this State, with fifty per centum more than the sum loaned thereon, and in any stocks created by or under the laws of this State, and on bottomry and respondentia, and to change and reinvest the same.

Approved July 5th, 1853.

Chap. 331.

An Act to incorporate the Milwaukee and Washington Plank Road Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That Henry Harpke, William H. Lindwinn, Augustus Marquette, Herman Kemper, Charles Geisberg, Augustus Procka, Albert Keeling, Frederick Loke, Frederick Krueger, and Hans Gosch be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to

Commissioners.

the capital stock of the Milwaukee and Washington plank road company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving ten days notice of the time and place of taking such subscription, by publishing the same in one or more newspapers printed in the city of Milwaukee.

Sec. 2. The capital stock of said company shall be **Capital stock.** fifty thousand dollars, and shall be divided into shares of twenty dollars each, and as soon as one hundred shares of the capital stock shall be subscribed and one dollar of each share actually paid in, the subscribers of such stock, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate by the name and style of the Milwaukee and Washington Plank Road Company, with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation, to wit; they shall be capable in law of purchasing, holding, leasing, and **Incorporated.** conveying estate, either real or personal or mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which they are authorized by law to do for the interest and well being of said company.

Sec. 3. The said commissioners or a majority of them, **First election of directors.** after the said one hundred shares of stock shall have been subscribed as aforesaid, shall give at least ten days notice in the newspaper hereinbefore mentioned, of the time and place of meeting of the stockholders for the purpose of electing seven directors, who shall elect one of their number President; and annually thereafter the said stockholders shall meet on the first Monday in May for the purpose of electing directors as aforesaid, on a like notice, to be given by a majority of the directors for the time being: *Provided*, That previous to the first election, the **Provisoes.** commissioners herein before named shall elect one of their number President, and they shall perform all the duties and be invested with all the powers of directors; and *Provided*, That if from any cause an election shall not be held at the regular time specified therefor, the same may be held at any other time on notice as aforesaid; that until such election the directors of the preceding year shall continue to act, and this charter shall not be avoided by

reason of irregularity or want of such election; and in case of any vacancy in the board of directors, the same shall be filled by the other directors or a majority of them.

**Directors,
duties of.**

Sec. 4. The affairs of said company shall be managed by a board of seven directors, who shall be stockholders, and be chosen annually, by ballot, by stockholders of said company, the vote to be given in person or by proxy duly authorized, which directors shall appoint one of their number President, and shall serve until others are elected in their stead; they shall make and establish such by-laws, rules, orders, and regulations, not inconsistent with the constitution or the laws of the United States and the State of Wisconsin, as may be necessary for the well ordering of the affairs of said company. Each share of stock shall be entitled to one vote, and in all cases of election for directors, the seven stockholders having the greatest number of votes shall be declared duly elected.

Quorum.

Sec. 5. Five directors shall constitute a quorum for the transaction of business, who, in the absence of the President, may appoint a President pro tem. The said directors shall appoint a Secretary, Treasurer, such engineers and other officers as they may find necessary, and fix their compensation, and may demand adequate security for the performance of their respective trusts; they shall have the full power to decide the time and manner in which the said stockholders shall pay the money due on their respective shares, not exceeding twenty-five per cent in any one installment, and to forfeit to the use of said company the share or shares of every person or persons failing to pay any installment at a reasonable period, not less than thirty days, after the time appointed for the payment thereof; they shall have power to regulate tolls, to make such covenants, contracts, and agreements, with any person or persons or body politic whatsoever, as the execution and management of the works and the convenience and interests of the company may require, and in general to superintend and direct all operations, receipts, disbursements, and other proceedings of the company. The commissioners, until the directors are chosen, shall issue certificates to each stockholder for the number of shares he or she shall subscribe for or hold in said corporation, signed by the President and countersigned by the Secretary, subject to all the payments due and to become due thereon, which stock shall be transferable in person or by attorney, executors, administrators, guardians or

Officers.

**Powers of
directors.**

trustees, under such regulations as may be provided by the by-laws of said company.

Sec. 6. The said company shall have power to locate Route. and construct a single or double track plank or gravel road from the intersection of the Washington road with the Green Bay plank road, in the town and county of Milwaukee, to the village of Ozaukee, in Ozaukee county, on or as near as practicable to the Washington road. They shall have power to erect all such toll houses, bridges and other works and appendages as may be necessary for the convenience of said company in the use of said road. The directors shall execute all powers conferred on them by law, shall audit and pay all accounts, give and receive all such receipts and discharges of debts as shall be deemed best for the interests of said company, fix the compensation and salary of the officers they may appoint, and meet at such times and places as they may provide in the by-laws to be enacted by them; they may appoint and remove all officers at pleasure, prescribe the meetings of the stockholders and declare and pay the dividends or as much of the surplus profits of the company as they shall deem advisable.

Sec. 7. It shall and may be lawful for said company, May enter upon land. their officers, engineers, and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said plank road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants at any time to enter upon, take possession of, and use said land for the purpose of said road, not exceeding four rods in width along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner directed and provided for. Damages. Whenever the route of the road follows the line of a public highway, the damage to the town shall be appraised or ascertained as in the case of private property, and the amount, if any, so appraised for such highway so taken shall be paid to the supervisors of the town to which it belongs, to be by them applied in improving the roads of such town.

Sec. 8. The shares of stock of the corporation shall Stock deemed personal property. be deemed personal property, and every person becoming a stockholder by transfer, purchase, or otherwise of shares of said stock, shall succeed to all rights and liabilities of the prior holder of said share or shares, and the said

shares shall be liable to be taken in execution for the payment of the debts of their owner, in such manner as is or may be provided by law: *Provided*, That all debts due said company shall be first paid.

Toll rates.

Sec. 9. The directors may erect toll gates and exact toll from persons travelling on their road not exceeding two cents per mile for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two animals one cent per mile extra for every animal; and for every horse and rider or led animal, one cent per mile; and for every score of sheep, three cents a mile; for every score of neat cattle, four cents a mile. Each toll gatherer may detain and prevent from passing through his gate all persons riding, leading, or driving animals or carriages subject to tolls, until they shall have paid respectively as authorized by this act, and any person who shall forcibly or fraudulently pass any toll gate erected by this company in pursuance of this act, without having paid the legal toll, and any person who, to avoid payment of legal toll, shall with his carriage or horse or other vehicle or animal or animal liable to toll, turn out of such road or pass any gate thereon on grounds adjacent thereto, and enter again on said road, shall for each offence be liable to a fine not exceeding ten dollars.

Penalty for injuring or obstructing road.

Sec. 10. If any person shall wilfully and knowingly obstruct, break, injure or destroy the plank road so to be constructed by said company, or any part thereof, or any work, building, or fixture attached to or in use upon the same, belonging to said company, such person or persons so offending shall, each of them, for every such offence, be liable in a civil suit for the recovery of damages by said company, by action of debt in any court having competent jurisdiction in the county wherein the offence shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

Sec. 11. The directors of said company may, at any annual or special meeting of the stockholders, with consent of a majority of amount of such stockholders, join with any other company.

Sec. 12. Said company shall be liable for all damages that may be sustained by any person or persons, in consequence of the omission or neglect to keep said road in good repair and condition.

Approved July 5th, 1853.

An Act to amend chapter 239 of the session laws of 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 332.

SECTION 1. The time for the assessor to make out the assessment roll in the village of Lake Mills, for the year eighteen hundred and fifty-three, also the time for the clerk to lay said roll before the board of trustees, and to complete and record the tax list made therefrom, and also the time of all other officers having duties to perform in connection with said assessment roll, and the tax list made therefrom, is hereby extended ninety days beyond the time now required by law for the discharge of those duties.

Sec. 2. This act shall take effect, from and after its passage.

Approved, July 5, 1853.

An Act to extend the time for assessing property in the several towns in the county of Adams, and to legalize the election therein of town and county officers.

Chap. 333.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the time for each of the assessors in the several towns in the county of Adams to complete the assessment of property for the year 1853, is hereby extended until the thirteenth day of August next.

Sec. 2. That the election held in the several towns in said county of Adams, on the first Tuesday of April 1853, for the election of Town and County officers, and the proceedings of the electors of any town in said county, at any special town meetings held subsequent thereto, be, and the same is hereby declared to be valid to all intents and purposes, as if said county had been organized, and said officers properly qualified.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved, July 5, 1853.

An Act to amend an Act, entitled, "An Act to incorporate the Southern Wisconsin Railroad Company.

Chap. 334.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. In case a vacancy or vacancies shall occur in the board of directors of the Southern Wisconsin Railroad company, by the resignation or death of one or

more of the members of such board, or if by any other means, a vacancy, or vacancies shall occur therein, so that the number remaining shall be reduced below nine, (the minimum number mentioned in the charter of said company,) then, in that, and all such cases, any five directors of said company shall be a quorum for the purpose of filling such vacancy or vacancies, from time to time, as occasion shall or may require, and a majority of such quorum shall have power to, and may, by resolution, appoint a stockholder, or stockholders to fill such vacancy or vacancies, and the person or persons so appointed, shall have the like power as if elected by the stockholders, as now provided in the charter of said company.

Sec. 2. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

Approved, July 5, 1853.

Chap. 335.

An Act to authorize the Trustees of the First Congregational Society of the city of Racine to borrow money and to mortgage the real estate of the Society.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Trustees of the first Congregational society of the city of Racine are hereby authorized to borrow a sum not exceeding twenty-five hundred dollars for the use and benefit of said society, and to execute a mortgage as such trustees, on the real estate belonging to said society, to secure the payment of the amount so borrowed, as aforesaid.

Sec. 2. This act to take effect from and after its passage.

Approved, July 5, 1853.

An Act to incorporate the village of Menasha.

Chap. 336.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Limits defined

SECTION 1. The inhabitants of the district of country included within the following limits and boundaries of township number 20, of range number 17, east, in the county of Winnebago, to wit: lots 3 and 4 of section 13, lots 1, 2, 3 and 4, and the north half of the south-west quarter of section 14 and fractions 3 and 4, and east half and south

west quarter of the south east quarter of section fifteen, and lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, and the north-east quarter of south east quarter of section 22, and the island attached to the said section, known as "Dendo Island" and lots 1, 2, 3, 4 and 5, of section 23, and island at mouth of the north channel of Fox River in said town, known as "Tait's Island," are hereby created a body corporate and politic by the name and style of the President and Trustees of the village of Menasha, and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever; with power of purchasing, receiving, holding, occupying and conveying real and personal estate; and shall have a common seal, and may change the same at pleasure; and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations appertaining to a municipal corporation. Incorporated.

Sec. 2. The said corporation shall be divided into two wards, and in the manner following, to wit: all that part of said district of county comprised in the limits described in the first section of this act, which lies north of the centre of the north channel of Fox river, and north of the south line of section 15, together with that portion of block eleven (11) of the village of Menasha, which lies south of said line, shall be the first ward. All that part of said district which lies south of the centre of the north channel of Fox river, and above the point at which the said south line of section 14, intersects said north channel, and also that portion of said district which lies south of said south line of section 14, excepting block eleven (11) shall be the second ward. Wards, and their limits.

Sec. 3. The government of said corporation and the exercise of its corporate powers and management of its fiscal, prudential and municipal concerns shall be vested in a President and six Trustees, and such other officers as are hereinafter provided for. Government, how vested.

Sec. 4. The elective officers of said corporation shall be one president, three trustees for each ward, one marshal, one treasurer, and one assessor for each ward, to be elected by the qualified voters thereof, at the annual election of said corporation, to be held in each ward on the first Tuesday in May of each year, and shall hold their respective offices for one year and until their successors are elected and qualified. Officers how elected.

Qualification
or voters.

Sec. 5. At the first election, and all subsequent elections of officers in said corporation, every person residing therein, qualified to vote for town officers, in the town in which the said corporation is situated, and shall have resided in the ward for ten days next preceding the election at which he may offer his vote, shall be entitled to vote in such ward for any office required to be elected by this act, and the person or persons having the highest number of votes shall be declared duly elected.

Officers.

Sec. 6. At the first and every subsequent election the electors in their respective wards, shall vote for one president, three trustees, of the ward in which they may vote, one marshal, one treasurer, and one assessor for the ward in which such assessor may reside.

Elections.

Sec. 7. The supervisors of the town of Neenah shall at least ten days previous to the first election of officers in said village, appoint the places of holding each election, and appoint the judges and clerks thereof, and shall give notice of such appointments, six days previous to such appointments, by posting notices in three of the most public places in said village, and after the first election it shall be the duty of the president and trustees to provide the places of holding elections in said village, and to appoint judges and clerks thereof, provide for making and directing the returns of elections, the time and manner of opening the returns and making an abstract thereof, and of keeping a journal of the same, and may make such other arrangements concerning such elections, as may be lawful and convenient to the citizens of said village.

How deter-
mincd.

Sec. 8. The supervisors of the town of Neenah shall determine who shall have been properly elected at the first election, and the chairman of the board of supervisors of said town, shall administer the oath of office to the first president, and such president shall administer the oath of office to all the trustees and other officers who have been declared to be duly elected. All subsequent elections shall be determined by the president and trustees, and the new president may in every case be sworn into office by his predecessor, and he administer the oath to all newly elected officers. In case of a tie between two candidates at any election, the election of one or the other of them shall be determined by lot, in the presence and under the directions of the president and trustees: provided, that in case of the absence of any supervisor of the town of Neenah, or of his inability to perform any duty

In case of a
tie.

required of him by this act, it may be performed by any Justice of the Peace residing in said village.

Sec. 9. The president shall preside at all meetings of the trustees, keep the seal of said corporation, sign all commissions, licences and permits, which may be granted by the trustees, shall maintain peace and good order, and see that the ordinances of the village are observed and executed, shall have power to administer oaths and affirmations, and to take and certify the acknowledgement of deeds and other instruments in writing, as a judicial officer; he shall have concurrent jurisdiction with Justices of the Peace of the county of Winnebago, of all cases of the violation of any ordinance of said village, and shall have a vote at all meetings of the trustees. Duties of president.

Sec. 10. The president and trustees shall prescribe the time, and fix the place, for holding their meetings, which shall at all times be opened to the public, shall determine the rule of their proceedings, and keep a journal thereof, which shall be open to the inspection of every citizen, at all reasonable time and hours; shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their own government as are not inconsistent with the provisions of this act, shall have power to compel the attendance of its members. Meetings of corporation.

Sec. 11. The president, each and every trustee, and marshal, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior, in a manner consistent with the ordinances of said village, within the limits thereof, and for such purposes may command the assistance of all bystanders and all citizens, and if any persons shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay such fine as may be prescribed by ordinance of the village in such case provided. Rioting, &c.

Sec. 12. The marshal shall possess all the powers and enjoy all the rights of a constable in the town of Neenah, and be subject to the same liabilities, it shall be his duty to execute and return all writs and process to him directed by the president, and when necessary in criminal cases, or for the violation of any ordinance of said village, he may serve the same in any part of the State of Wisconsin, and for his services he shall receive like fees as is allowed to constables for like services; said marshal shall execute and file with the clerk, a bond for the faithful performan- Powers of marshal.

ces of his duties, to be approved by the president and trustees.

Treasurer.

Sec. 13. The treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said village, all monies raised, received, recovered and collected by means of any tax, license, fine, forfeiture or otherwise, under the authority of this act, or which belongs to said village, shall be paid into the village treasury, and shall not be drawn therefrom except by a written order signed by the president and countersigned by the clerk by order of the trustees, such order shall specify the amount of money to be drawn, and its object, he shall keep a just and accurate account of all monies and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, person from whom the amount of the several sums received, and the source from whence the said sums respectively arose, which said books, at all reasonable times, shall be opened to the inspection of the electors of the village; he shall as often as the trustees require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office, he shall hand over to his successor all monies, books and vouchers in his possession belonging to said village; he shall before he enters upon the duties of his office execute to the president and trustees a bond for the faithful discharge of his duties to be approved by them, which bond shall be at least in double the amount of taxes to be raised for the year in which he was elected.

Clerk.

Sec. 14. The clerk shall be appointed by the trustees shall attend the meetings of the trustees, he shall perform such duties and exercise such powers as may be lawfully required of him by the ordinance or direction of the board of trustees, who shall fix his compensation therefor, not exceeding a sum allowed by law for like services.

Oath of office.

Sec. 15. Every officer elected in said village shall within ten days after he shall be notified of his election, take and subscribe the oath of office prescribed by the constitution, and file the same with the clerk, and in case of his omissions to do so, he shall be deemed to have refused to serve, and his place shall be filled in the manner prescribed in this act.

Sec. 16. Special meetings may be called by the clerk of said village, by order of the trustees thereof, by giving

ten days notice thereof by posting notices in three of the most public places in said village, every notice of a special meeting shall state the object for which such meeting is called.

Sec. 17. Any vacancy in the office of president, trustees, marshal, treasurer or assessor, may be filled at a special meeting, called in the manner prescribed in the preceding section. Vacancies.

Sec. 18. The president and trustees shall have power to enact, establish, publish, enforce, alter, modify, amend or repeal all such ordinance, rules and by-laws for the government and good order of the village, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties and to enforce the same against any person who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules or by-laws are hereby declared to be and to have the force of law; *Provided*, That they be not repugnant to the constitution and laws of the United States and of this State, and for those purposes shall have authority by ordinance or by-laws. To organize fire companies, hook and ladder companies, to regulate their government, and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire bucketts, which are hereby declared to be appurtenances to the real estate, exempt from seizure, distress or sale in any manner, and if the owner shall refuse to procure suitable ladders or fire bucketts, after reasonable notice; the trustees may procure and deliver the same to him, and in default of payment therefor, may recover of the said owner the value of such ladders or fire buckets, or both, with costs of suit; to regulate the storage of gunpowder and other dangerous materials: to direct the safe construction of a place for the deposit of ashes; to appoint one or more fire wardens; to enter into at reasonable times and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition: to regulate the manner of putting up stoves and stove pipe, to prevent fires, and the use of fire works and fire arms within the limits of said village, or such part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment Rules and ordinances. Proviso. Fire companies.

Fire regulations.

of fires, and to pull, break down and raze such buildings in the vicinity of the fire as shall be directed by the trustees or any four of them, who may be at the fire, for the purpose of preventing its communication to other buildings, and any buildings so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires, as they may deem proper.

Nuisances.

Second. To prevent, abate and remove nuisances, and take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler, shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or noiseful houses or places, to cleanse, remove or abate the same; from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the village.

Licencing shows.

Third. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses or theatrical performances, under the ordinances or common law.

Gaming, &c.

Fourth. To restrain and prohibit all descriptions of gaming, and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said village.

Riots.

Fifth. To prevent any riots, noise, disturbance or disorderly houses or groceries, or houses of ill fame, shows and exhibitions.

Sixth. To direct the location and management of all slaughter houses and markets.

Seventh. To prevent the encumbering the streets, walks, alleys or public grounds, with carriages, carts, waggons, sleighs, sleds, boxes, lumber, fire wood or other material or substance whatever.

Horse-racing.

Eighth. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the place of bathing and swimming in the waters within the limits of the village.

Cattle, swine, &c.

Ninth. To restrain the running at large of cattle, swine, sheep and horses, and to authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal found so going at large in violation of the by-laws of the village.

Tenth. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, or to impose a tax on the same. Dogs.

Eleventh. To prevent any person from bringing, depositing or having within said village any putrid carcasses, or any unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance or any putrid or unsound beef, pork, fish, hides, or skins of any kind, and in default to authorize the removal thereof, by some competent officer, at the expense of such person or persons. Putrid meats.

Twelfth. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burying grounds, set apart for public use, from taxation. Board of health.

Thirteenth. To require the owner of any lot or lots upon which there shall be any stagnant water, if deemed necessary for the health or welfare of the inhabitants of said village, to fill up said lots so as to prevent water standing thereon, and in case said owner of said lot or lots shall neglect after thirty days notice being served on him personally, or posted at some public place in the vicinity of said lots, then said board of trustees may cause the same to be done, and may levy and collect a tax on said lot or lots sufficient to pay for the same in like manner as corporation taxes are levied and collected. Stagnant water.

Fourteenth. To provide for the security and protection of bridges, and to prevent all persons riding or driving thereon faster than a walk.

Fifteenth. To prevent all persons riding or driving any horse, ox, mule, cattle or other animal on the side walks in said village, or in any way doing any damage to such side walks.

Sixteenth. To restrain drunkards, in ordinary drinking, or obscenity, in the streets or public places, and provide for arresting, removing and punishing any person or persons who may be guilty of the same. Drunkenness.

Seventeenth. To regulate the police of the village, to appoint watchmen and firemen, prescribe their duties and punish their delinquencies.

Eighteenth. To protect trees, monuments and squares in the village.

Nineteenth. To establish the grade of all streets in said village, and to appoint a surveyor, and prescribe his streets. Grading streets.

duties and fix his compensation, not to exceed the pay allowed by law to others for like services.

Violation of ordinances.

Sec. 19. In all cases in relation to which, by the provisions of this act, the president and trustees have power to enact or pass ordinances or by-laws in relation to any subject, they may prescribe any penalty for the violation of such ordinances or by-laws, not exceeding fifty dollars for any one offence, in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non-observance, the offender may be imprisoned for such term as they may by such ordinance direct, not exceeding forty days, for which purpose the said village shall have the use of the jail of Winnebago county, and all persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county.

Process.

Sec. 20. On all suits for the violation of any ordinance of the village, the process may be by warrants, and it shall be sufficient without setting fourth the special matter, to declare generally in debt with reference to the ordinance under which the action is brought, the defendant may plead the general issue, and give the special matter in evidence, and a printed copy of an ordinance published in a newspaper or pamphlet by authority of the trustees shall be prima facie evidence of the passage and publication of such ordinance.

Imprisonment in case of non-payment of judgment.

Sec. 21. Every execution issued upon judgment for the violation or non-observance of any ordinance or by-law of said village, shall contain a clause directing in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for such term as shall have been provided for by the ordinance under which the judgment shall have been rendered; all fines, penalties and forfeitures, when collected, shall be paid into the treasury of said village.

Ordinances &c published.

Sec. 22. Any ordinance, regulation, rule or by-law imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper printed in said village, or by posting a notice for one week in some conspicuous place in the village before the same shall be in force, and proof of such publication, if made by affidavit of the printer or foreman in the office of such newspaper where such publication may have been made, or in case there is no publication, then by the affidavit of some competent person posting such notice, shall be conclusive evidence of the publication or promulgation

of such ordinance, regulation, rule or by-law, in all courts and places.

Sec. 23. No person shall be an incompetent judge, justice, witness or jury, by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party or interested.

Sec. 24. The president and trustees are hereby authorized on a vote of a majority of the electors of said village, at an election called for that purpose, to expend a sum of money not exceeding five thousand dollars on any bridge across "Lake Butte des Morts," so called, the construction of which is now authorized, or which may be hereafter authorized by law, and for that purpose may levy and collect a tax on all the taxable property in said village, in like manner as other village taxes are required to be collected, or may borrow any sum of money not exceeding five thousand dollars from any person or persons, corporation or body politic of any kind, and for any rate of interest which may be agreed upon by and between said president and trustees, and any person or party of whom such money may be obtained, and make out and execute, in the name of the corporation of said village, all necessary writings, notes, bonds or other papers, and make, execute and deliver such securities, in amount and kind, as may be deemed proper, or said president and trustees may execute and pay out or deliver such writings, notes or bonds directly in payment of work or material furnished for such bridge, and in case any bonds, notes or other securities should be issued or paid out in accordance with the provisions of this section, it shall be the duty of the board of trustees of said village to levy an annual tax upon all the taxable property within the corporate limits of said village, to be collected in cash in the same manner that other village taxes are collected, sufficient to pay the annual interest upon the bonds, notes or other securities issued in accordance with the provisions of this act, and that in the year previous to which the principal sum or any part thereof, shall become due, as specified in said bonds, notes or other securities, it shall be the duty of the said trustees to levy an additional tax upon all the taxable property within said corporate limits, to be collected in cash, in manner aforesaid, to pay the principal sum or sums due on said bonds, notes or other securities, and it shall be the duty of the treasurer of said village to pay the interest and principal which shall become due upon the bonds, notes or other securities issued as aforesaid, out of

Bridge.

Tax for that purpose.

Annual tax.

the monies coming into his hands for such purpose, at such times and place as shall be specified in said bonds, notes or other securities.

Street commissioners.

Sec. 25. The president and trustees shall have power to appoint street commissioners, not to exceed two in each ward, to lay out, open and keep in repair, grade and otherwise improve streets, avenues, lanes, alleys, sewers, side walks and bridges, to direct in the prosecution and defence of suits, to audit and allow all lawful accounts against said village, and to draw an order on the treasury for the payment of the same; to determine the compensation of the clerk, marshal, treasurer, and street commissioners; to levy and collect taxes on all such property as shall be subject to town and county taxes.

Grading streets.

Sec. 26. Whenever a majority of all the resident owners of real estate of any street or part of street, not less than five hundred feet in length, in said village, shall desire to have such street graded or otherwise improved; they may make an application in writing to the board of trustees of said village, specifying in such application the sum necessary to be raised for that purpose, and the said board of trustees shall levy and cause to be collected, such sum by tax on all the owners of real estate or lots on such street or part of street, said tax shall be levied on the last assessed valuation of the said real estate and lots respectively, as the same shall appear in the assessment roll of said village.

Side-walks.

Sec. 27. When a majority of all the resident owners of real estate and lots, bordering on one side of any such street or part of street, not less than five hundred feet in length, shall desire to have a side walk built or repaired, the application for that purpose shall be made to the board of trustees, by such owners, and the tax for building or repairing such sidewalks, shall be levied as prescribed in the preceding section.

Tax for grading streets.

Sec. 28. Whenever the board of trustees shall levy any tax for the purpose of grading or otherwise improving any street, or for the building or repairing of any side walk, they shall make out and deliver to the street commissioner of the ward in which such tax is to be collected and expended, a list of persons and a description of property taxed, and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice in some newspaper published in said village. If there be one, if not, by posting public notice in some conspicuous place in said village, and shall specify in such notice

at time or times not less than ten days or more than twenty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money; and the person charged with such tax may at such time and place as may be required by such street commissioner, pay their taxes in labor or materials; *Proviso.* *Provided,* The labor and materials offered in payment for such taxes are suitable and such as may be required by said street commissioner.

Sec. 29. At the expiration of forty days from the time the said street commissioner shall have received such tax list, he shall return the same to the trustees, accompanied by a statement verified by his affidavit subscribed thereon, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended, and the items of expenditures; also, the taxes which remain unpaid, and the persons and descriptions of real estate or lots, to which such unpaid taxes stand charged. *Return of tax list.*

Sec. 30. The board of trustees in making out the duplicate assessment roll of said village, next thereafter, shall enter such unpaid taxes therein, in a separate column, with twelve per cent. interest added thereto, opposite the names of the persons, and description of property, against which the taxes so remain unpaid, and such taxes shall be collected in the same manner as the general taxes of said village are collected, and when so collected shall be paid over to a street commissioner on the order of the trustees, to be expended on the street or side walk for which they were originally assessed. *Unpaid taxes.*

Sec. 31. The trustees shall, between the first Tuesday in April and the second Monday in June in each year, determine the amount of general tax necessary to be assessed and collected in said village the current year. The assessors shall within the time above limited, assess all property subject to taxation within each of their respective wards, and shall on or before the first Monday of June in each year, deliver to the board of trustees of said village, a full and complete roll thereof, which roll shall exhibit the description and value in separate columns, of the lands, lots and improvements thereon, and all other property chargeable with tax in the said wards respectively, together with the names of the owners thereof, so far as the same can be ascertained. The assessors shall receive for their services a compensation to be fixed by the by-laws of said *Assessment of general tax.*

village, which shall not exceed the compensation allowed to town assessors for similar services.

Appeal from m
proceedings of
assessors.

Sec. 32. Whenever the said assessment roll shall have been delivered to the board of trustees, as mentioned in the preceding section, such board of trustees shall forthwith direct their clerk to give public notice by publishing the same in some newspaper published in said village, or by posting a notice in some conspicuous place in said village, of the completion of such roll by the assessors, and shall specify in said notice the time when, and place where, the said trustees will meet to hear appeals from the proceedings of such assessors. On any such appeal being made to the said trustees, they shall have power to alter and correct such assessment roll, and the said trustees shall have power to equalize the taxes in such assessment roll.

Levying of
tax.

Sec. 33. When such assessment roll shall be finally completed, the trustees shall cause to be levied such amount of tax as shall have been determined to be raised, and shall set opposite to each subscription and valuation of taxable property the amount of tax charged upon such property, and to each person respectively, and when such tax list shall have been so completed, they shall forthwith cause a true copy thereof to be made, and a warrant annexed thereto, and deliver such tax list and warrant to the marshal of said village, as hereinafter provided, and the original assessment roll and tax list shall be deposited with the treasurer of said village.

Sec. 34. The warrant annexed to any tax list delivered to the marshal as aforesaid, shall be signed by the president and countersigned by the clerk of said village, or in the absence of the president, such warrants shall be signed by a majority of the trustees; such warrant shall command the marshal to collect the taxes mentioned in such tax list in sixty days, and pay over the same to the treasurer of said village, and make return of said warrant to the said treasurer. The trustees may renew the warrant annexed to any tax list for thirty days, when they shall deem it necessary.

Notice of tax
list.

Sec. 35. Upon the receipt of the tax list aforesaid, it shall be the duty of the marshal to give public notice in a newspaper published in said village, or by posting a notice in some conspicuous place in the village, that such tax list has been committed to him for collection, and that he will receive payment for taxes, at his office, for the term of forty days, next ensuing such notice, and all taxes paid

during said forty days shall be subject to a deduction of five per centum upon the amount paid.

Sec. 36. If the taxes are not paid to the marshal within the said term, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, subject to the limitation hereinbefore prescribed, wherever found in said village, giving six days notice of the time and place of such sale, by written notices put up in three public places in said village.

Distress and sale of goods for taxes.

Sec. 37. It shall be the duty of such marshal, within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him to the treasurer of said village, and to return such warrant to the said treasurer with his return thereon written, subscribed by him, and specifying any such sum or sums of money not collected by him by reason of his being unable to find property in said village, out of which he could collect the same, and if any sum be returned not collected by him, his return shall be accompanied by his affidavit that the facts therein stated are true.

Marshal to pay over sums collected.

Sec. 38. In case the tax on any lot, or other parcel of land, shall remain unpaid on the first day of October, it shall be the duty of the treasurer, within ten days thereafter, to make out a general advertisement, stating that all lots or other pieces of land upon which the taxes have not been paid, will be sold by him, at a certain time and place therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which may accrue by advertisement and sale, agreeably to the provisions of this act, said advertisements shall be published three weeks in a newspaper published in said village, or by posting up three notices in a conspicuous place for the same time, in said village.

Taxes unpaid on 1st of Oct.

Sec. 39. On the day and at the time and place mentioned in the notice, the treasurer shall commence the sale of lands and lots, and continue the same from day to day until so much thereof shall be sold as will pay the taxes, interest and charges due, assessed and charged thereon, agreeably to this act, and the treasurer shall give to the purchaser or purchasers of any lot or lots of land, a certificate of the lots or lands purchased, stating the sum paid therefor, including fees, and the time the purchaser or purchasers will be entitled to a deed.

Tax sale.

Sec. 40. Said treasurer shall immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said village all affidavits, notices

Papers of tax
sale.

and papers in relation to such tax sale, to be filed in the office of said clerk, also, a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and name of the owner if known; and the said treasurer and clerk shall record such statements in a book kept for that purpose by each of them in their respective offices.

When estate
shall vest.

Sec. 41. If the person claiming the title to the lots or parcels so sold and described in said certificate given by the treasurer, shall not within two years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon at the rate of twenty-five per centum per annum, from the date of such certificate, the treasurer shall at the expiration of said two years execute to the purchaser, his heirs or assigns, a conveyance of the lots or parcels of land so sold, which conveyance shall vest in the person or persons to whom the same shall be given an absolute estate in fee simple; and the said conveyance shall be evidence that the sale was regular according to the provisions of this act, and any such conveyance executed by the treasurer, under his hand and the seal of said corporation, in the name and on behalf of said village, and the execution thereof witnessed, and acknowledged as by law in other cases provided, may be given in evidence and recorded in the same manner and with the effect as a deed regularly acknowledged by the grantor may be given in evidence and recorded; *Provided*, That in case of assessment of taxes in gross upon any lot or piece of land, the treasurer upon the application of any claimant or owner of a part thereof, either divided or undivided, shall receive the taxes on such part, either in payment or redemption, with the interest and charges thereon, proportionate to the quantity of such lot or tract so claimed or owned, and the remainder of such taxes, interest and charges shall be a lien only on the remainder of such lot or piece of land.

Proviso.

Previous notice.

Sec. 42. In all cases, before lands shall be conveyed as aforesaid, the treasurer shall advertise the same by a correct description thereof, for three months, in some newspaper published in said village, or in the county of Winnebago, stating that all such lots or parcels of land will be forfeited if the taxes, interest or charges upon the same are not paid before the day mentioned in such notice.

Sec. 43. All lots or lands which shall be advertised:

for sale for non-payment of taxes, shall be subject to a Advertising, charge of five cents for each lot or piece of land so adver- &c.
tized for the first advertisement, and each lot or piece of land which shall be sold as aforesaid, shall be chargeable with the following fees: For each certificate to be given to a purchaser of any lot of land at such sale, twelve and one-half cents; for certifying the amount necessary to redeem any lot or piece of land, twelve and a half cents, and one dollar for each conveyance executed in pursuance of this act; the said fees to be paid by the persons receiving such instruments. The charge for advertizing the forfeiture of a piece of land shall be ten cents for each lot or parcel.

Sec. 44. If any person who shall purchase any lot in pursuance of this act, shall pay any tax returned subsequent to such purchase, on such lot or piece of land, the person who shall redeem such lot or piece of land shall pay to the treasurer the amount of tax, with interest, at the rate of twenty-five per centum per annum, for the benefit of the purchasers. Interest to be paid purchaser.

Sec. 45. The street commissioners of said village shall under the direction of the president and trustees, superintend the grading, paving and improving of streets, and the building and repairing of side walks, and the expenditures of taxes levied and collected for such purposes in their respective wards; they shall receive such compensation for their services as shall be allowed by the trustees under the provisions of this act. Duties of street commissioner.

Sec. 46. The affidavit of the printer or of the foreman in his office of the publication of any notice required by the provisions of this act to be published, shall be received as proof of the publication of such notice in all courts and places. Affidavit of printer to notice.

Sec. 47. If any election provided for in this act shall for any cause not be held at the time prescribed, it shall not be considered a sufficient reason for arresting, suspending or absolving the said corporation, but such election may be held at any time thereafter by order of the supervisors of the town of the first election, otherwise by order of the trustees of said village, of which time ten days public notice shall be given, and further, if any of the duties enjoined by this act, at a time herein specified by an ordinance of said village, are not then done, the trustees of said village may appoint another time upon which the said duties may be done; *Provided*, That the officer, so failing to execute such duties at the time required, shall be liable Elections.

to the same actions, fines and penalties as he would have been had not such power been conferred upon or exercised by the trustees.

Officers to be appointed.

Sec. 48, The president and trustees shall have power to appoint, and at their pleasure to remove the following officers, to wit: one chief engineer of the fire department, two fire wardens for each ward, and as many assistant wardens as they shall from time to time deem necessary, one surveyor, sextons and keepers of burial grounds, and street commissioners, and prescribe their duties and fix their compensation under the provisions of this act, and to impose and enforce in law such penalties as to the said trustees may seem proper for any malfeasance or improper conduct of any of said officers, and to require bonds for the faithful performance of the duties of such of them as may be deemed expedient and necessary by the trustees; *Provided*, That trustees shall have no power to pay themselves any compensation for their services.

Proviso.

Quorum of trustees.

Sec. 49. A majority of the trustees from each ward in said village, shall be a quorum for the transaction of business, when the president shall be present to preside, but a less number may meet and adjourn from time to time until a quorum shall be present, but shall do no other business in the absence of the president, five trustees being present, one of their number may be appointed chairman pro tem.

First election.

Sec. 50. The first election under this act shall be held on the third Monday of July, in the year 185 , and all officers elected at said election shall hold their offices until the next annual election provided for in this act, and until their successors are elected and qualified.

Assessment roll of 1853.

Sec. 51. Whenever the assessment roll of the town of Neenah for the year 1853, shall be made out and perfected, the trustees shall obtain a copy of that portion which refers to the property within the corporate limits of said village, and they are hereby authorized and required to make said assessment the basis of all taxes which by any of the provisions of this act the said trustees are authorized to levy and collect, in like manner and with the same force and effect as if the said assessment was made by the assessors of said village, up to the time that an assessment shall be made by the assessors of said village.

Sec. 52. This act shall be in force from and after its passage.

Approved, July 5, 1853.

An Act to amend an act to incorporate the Sheboygan and Mississippi Railroad Company.

Chap. 337.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Stockholders of the Sheboygan and Mississippi Railroad Company, at any annual or special meeting of said stockholders called in pursuance of the provisions of their charter, are hereby authorized to reduce the number of directors from thirteen, to such number as the majority of said stockholders shall deem most conducive to the interests of said said company, the number so determinud upon, shall be entered upon the records of said company, and shall be elected in the same manner, and in all respects be possessed of the same powers, that are prescribod for thirteen, in the charter, approved March 8, 1852, to which this act is amendatory. May reduce the number of directors.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, June 6, 1853.

An Act to amend an act entitled "an act to provide for the erection of county buildings in the county of Washington."

Chap. 338.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION. 1. It shall be the duty of the commissioners named in the act to which this is amendatory, as soon as convenient after the passage of this act, and before the fifteenth day of August next, to select some suitable ground for a jail, jailors house and court house in the village of West Bend, in the county of Washington, and to acquire the title thereof to the said county of Washington, by gift, grant or purchase. Location of jail.

Sec. 2. It shall be the duty of the said commissioners to make or procure suitable plans and specifications for said buildings, and a soon as practicable after the acquisition of the title of the necessary land as above provided, to advertise and let to the lowest and best bidder or bidders, by contract, the work of constructing the said county buildings, that is to say, a suitable jail, jailors house, and court house, and also for the materials therefor, which contract shall be secured to the satisfaction of the said commissioners, and shall be completed within twenty-four months from the passage of this act. Contracts for building.

Sec. 3. Assoon as the said commissioners shall have

County bonds. ascertained the cost of the said land or ground, and county buildings, and shall have made a contract as aforesaid for the erection of said buildings, it shall be the duty of said commissioners, and they are hereby authorized and directed to issue to the contractor or contractors for such buildings, or otherwise dispose of, as shall be necessary and proper to provide means for the erection of said buildings, the bonds of the said county of Washington, for a sum not exceeding eight thousand dollars, payable within eight years, and bearing interest at a rate not exceeding eight per cent. per annum, which bonds shall be signed and sealed by the said commissioners, or a majority of them.

Payment of principal and interest. Sec. 4. It shall be the duty of the Board of Supervisors of the county of Washington to provide for the payment of the principal and interest of said bonds from time to time, as the same shall become due and payable.

Sec. 5. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

Sec. 6. This act shall take effect and be in force, from and after its passage.

• Approved, July 6, 1853.

An Act to amend an act entitled "an act to provide for the erection of county buildings in the county of Ozaukee.

Chap. 338.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Selecting site. SECTION 1. It shall be the duty of the commissioners named in the act to which this act is amendatory, as soon as convenient after the passage of this act, and before the fifteenth day of August next, to select some suitable ground for a jail, jailors house and court house in the village of Port Washington, in the county of Ozaukee, and to acquire the title thereof, to the said county of Ozaukee, by gift, grant or purchase.

Plan of buildings and letting contracts. Sec 2. It shall be the duty of the said commissioners to make or procure suitable plans and specifications for said buildings, and as soon as practicable after the acquisition of the title of the necessary land, as above provided, to advertise and let to the lowest and best bidder or bidders, by contract, the work of constructing the said county buildings, that is to say, a suitable jail and jailors house and court house, and also for the material therefor, which contract shall be secured to the satisfaction of the

said commissioners, and shall be completed within twenty months from the passage of this act.

Sec. 3. As soon as the said commissioners shall have ascertained the cost of the said land, on ground and country buildings, and shall have made a contract as aforesaid, for the erection of said buildings, it shall be the duty of said commissioners, and they are hereby authorized and directed to issue to the contractor or contractors for such buildings, or otherwise dispose of, as shall be necessary and proper, to provide means for the erection of said buildings, the bonds of the said county of Ozaukee, for a sum not exceeding eight thousand dollars, payable within eight years, and bearing interest at a rate not exceeding eight per centum per annum which bonds shall be signed and sealed by the said commissioners.

Sec. 4. It shall be the duty of the board of supervisors of the county of Ozaukee to provide for the payment of the principal and interest of said bonds from time to time, as the same shall become due and payable.

Sec. 5. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Approved, July 6, 1853.

An Act to incorporate the Madison, Sauk, and Mississippi river Railroad Company.

Chap. 340.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. L. J. Farwell, Simeon Mills, N. W. Dean, T. M. Warren, Martin S. Moore, Elias B. Crane, Marcus Warren, J. B. Woodruff, Charles O. Baxter, Simeon Dean, Joseph Lester, Henry Wild, and E. H. Mix, together with such other persons as may hereafter become associated with them in the manner hereinafter prescribed, their successors and assigns, are hereby created a body corporate by the name of the Madison, Sauk, and Mississippi river Railroad Company, and by that name shall be, and are hereby made capable in law to purchase, hold, and enjoy, and retain to them and their successors, lands, tenements and hereditaments, so far as may be necessary for the purpose of said railroad, and the same to sell, grant, rent, or in any manner dispose of, to contract and be contracted with, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, make and use a common seal, the same to alter,

Grant of powers.

break, or renew at their pleasure; and if either of the persons named in this section die, refuse or neglect to execute the powers and discharge the duties hereby created, it shall be the duty of the remaining persons hereinbefore named, or a majority of them, to appoint a suitable person or persons to fill such vacancy or vacancies so often as the same shall occur.

Surveys.

Sec. 2. The said corporation are hereby empowered to cause such examination or surveys to be made as shall be necessary to ascertain the most advantageous route whereon to construct a railroad, and shall cause an estimate to be made of the probable costs thereof, for each mile separately, and said corporation shall be and they are hereby invested with the right to construct a railroad with one or more railways or tracks, from some convenient point in the town of Madison, in the county of Dane, thence by way of Sauk Prairie, in the county of Sauk, and from thence by the most feasible route northwesterly to the Mississippi river.

Route.**Capital stock.**

Sec. 3. The capital stock of said corporation shall be one million dollars, and shall be divided into shares of one hundred dollars each, and five dollars on each share shall be paid at the time of subscribing.

Opening books.

Sec. 4. The above named persons or a majority of them are authorized to open books for the receiving subscriptions to the capital stock of said company, and shall prescribe the form of such subscription, which books shall be opened within two years from the passage of this act, at such place or places as they may deem expedient, by giving thirty days notice in some newspaper printed in the counties of Dane and Sauk and in such other place or places as may be thought advisable, of the time and place or the times and places of opening said books; the said books to be kept open sixty days.

Elections. of directors.

Sec. 5. So soon as twenty-five thousand dollars thereof shall have been subscribed, the above named persons or the same number thereof as shall have given the notice above required, shall give like notice for the meeting of the stockholders to choose directors, at some time at least sixty days thereafter, and at some place within the counties of Dane or Sauk; and at such time and place the holders of one third or more of said stock subscribed shall attend either in person or by lawful proxy, they shall proceed to choose from the stockholders, by ballot, nine directors; each share of the capital stock entitling the owner to one vote, and at such election the persons named in

the first section of this act, or those appointed by its provisions to fill vacancies which may have occurred, or any three of them if no more be present, shall be inspectors of such election, and shall certify in writing signed by them or a majority of them what persons are elected directors, and if two or more have an equal number of votes, such inspectors shall determine by lot which of them shall be directors to complete the number required, and shall certify the same in like manner; and such inspectors shall appoint the time and place of holding the first meeting of directors, at which meeting five shall constitute a board competent to transact all business of the company, and hereafter a new election shall be made annually, at such times and places as the stockholders at their first meeting shall appoint, and if the stockholders at their first meeting shall fail to appoint the day of such election, then it shall be holden the succeeding year on the same day of the same month on which the first election was holden, unless the same shall be on the first day of the week, in which case it shall be holden on the next day succeeding; and if no election be made on the day appointed, said company shall not be dissolved, but such election may be made at any time appointed by the by-laws of said company; the said directors shall elect one of their number President, and shall appoint a Secretary, Treasurer, such engineers and other officers as they may find necessary, shall fix their compensation, and may require an adequate security for the performance of their respective trusts.

Duties of inspectors of elections.

Sec. 6. The directors may receive payment to the subscriptions of the capital stock at such time and in such proportion, not exceeding twenty-five per cent at any one installment, under such conditions as they shall deem fit, under the penalty of forfeiture of all previous payments thereon or otherwise: *Provided*, They shall never require the payment to be made at any place out of the counties through which said road shall pass; and such directors shall, at least thirty days previous to the appointed time of such required payment, give notice thereof in the manner provided in the fourth section of this act for giving notice of the opening of the books of subscription for the stock of said company.

Directors, duties of.

Proviso.

Sec. 7. The directors of said company shall have power to make, from time to time, all needful rules, regulations, and by-laws, touching the business of said company, pur to determine the number of tracks and railways upon said road, and the width thereof, and the description of

Powers of directors.

carriages which may be used thereon, to regulate the amount of tolls and the manner of collecting the same for such transportation, and to fix penalties for the breach of any such rules, regulations, or by-laws, and to direct the mode and condition of transferring the stock of said company; and the penalties provided for by the said by-laws may be sued for by any person authorized thereby in the name of said company, and recover in an action of debt before any court having jurisdiction of the amount; and the said company may erect and maintain toll-houses and such other buildings and fixtures as the accommodation of those using said road may require.

May enter
upon land.

Sec. 8. The said company shall have the right to enter upon any lands to survey and lay down said road, not exceeding one hundred and twenty feet in width, and whenever any lands or materials shall be required for the construction of said road and the same shall not be given or granted to said company; as to the compensation to be paid therefor, the person or persons claiming compensation as aforesaid, or if the owner or owners thereof are minors, insane persons, or married women, the guardian or guardians of such minor or minors and insane persons and the husband of such married woman, may select for themselves an arbitrator, and the company shall select an arbitrator, and the two thus selected shall take to themselves a third, who shall be sworn, and paid by said company, as arbitrators between the parties, and render copies of their award to each of the parties, in writing, from which award either party may appeal to the court of proper jurisdiction for the county in which such land or materials may have been situated, and in all cases in which compensation shall in any manner be claimed for lands when there has been no improvements made, it shall be the duty of the arbitrators and courts to award a fair

Compensation.

compensation for said lands and materials, and appeals in such cases shall, when taken, be in all respects proceeded in as appeals in other cases to said court, and brought into said court by filing the award with the clerk of said court, whose duty it shall be to enter the same on the docket of the said court, setting down the claimant or claimants as plaintiffs, and the said company as defendants, and when the valuation so ascertained shall be paid or tendered by said company, said company shall have the same right to retain, own, hold, and possess said lands and materials as fully and absolutely as if the same had been granted and conveyed to said company by

deed, so long as the same be used for the purposes of said road.

Sec. 9. The said company may construct the said railroad across any public or private road, highway, stream of water or water course, if the same shall be necessary; but the said company shall restore such road, highway, stream of water or water course to its former state, or in a sufficient manner not to impair the usefulness of said road, highway, water or water course to the owner or to the public. May cross highways.

Sec. 10. All persons paying the toll aforesaid may, with suitable and proper carriages, use and travel upon said road, always subject however, to such rules and regulations authorized to make by the seventh section of this act. Toll regulations.

Sec. 11. So soon as the amount of tolls accruing and received from the use of said road, or part thereof, according to the provisions of this act, shall exceed six per cent on the amount of said capital stock paid in, after deducting therefrom the expenses and liabilities of said company, the directors of said company shall make a dividend of such nett profits among the stockholders in proportion to their respective shares, and no accumulative fund exceeding one per cent of the profits of said company shall remain undivided for more than six months. Dividends when declared

Sec. 12. If any person or persons shall wilfully obstruct, or in any way spoil, injure, or destroy said road or anything belonging or incident thereto, or any materials to be used in the construction thereof, or any building, fixture, or carriage erected or constructed for the use or convenience thereof, such person or persons shall each be liable for every such offence to treble the damages sustained thereby, to be recovered in an action of debt in any court having jurisdiction of the amount. Penalty for injuring or obstructing road.

Sec. 13. Whenever it shall become necessary, in the location or construction of said road, to pass through the land of any individual, it shall be the duty of said company to provide for said individual proper wagon-ways; it shall be liable to such individual in treble the amount of damages occasioned by such neglect. Wagon ways.

Sec. 14. The said company shall have the right, if they or a majority of them shall deem proper at any time hereafter, to connect their road with any railroad in the village of Madison. Connect with other roads.

Sec. 15. The said company shall have power to increase their capital stock to two millions dollars, and

May increase
capital stock.

whenever they shall deem the same expedient, may divide any portion of the capital stock of the company into shares of fifty dollars each, and every member of said company shall be entitled to one vote therein for every fifty dollars of stock he may own.

Approved, July 6, 1853.

Chap. 342.

An Act to authorize the Aldermen of the third Ward of the city of Milwaukee to issue Ward Bonds for the purchase of real estate for the use of said Ward.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Empowered to
issue bonds.

SECTION 1. The aldermen of the third ward of the city of Milwaukee are hereby authorized and empowered to issue for and in the name of said ward, the bonds of said ward to an amount not exceeding ten thousand dollars, at a rate of interest not exceeding seven per cent, and made payable at any time within twenty years from the date thereof; said bonds shall be signed by a majority of the aldermen of said ward, and countersigned by the city comptroller, the proceeds of which shall be applied to the purchase of real estate, and for the erection of a Market House thereon, and such other buildings as the wants of the ward may require.

For the benefit of third
ward.

Sec. 2. All purchases made by virtue of the preceding section shall be in the name and for the use of the third ward of the city of Milwaukee, and the land so purchased and the improvements that may be made thereon shall be exempt from taxation, and the aldermen of said ward for the time being, acting in behalf of said ward, shall have control of the ground so purchased and of the improvement that may be made thereon, and may lease, rent, and regulate the same, and all monies received by them from the proceeds thereof shall be paid over by them to the city Treasurer for the use and benefit of the third ward.

Special tax.

Sec. 3. To liquidate and to pay the interest on said bonds, the mayor and common council of said city of Milwaukee shall cause to be levied a special tax upon all the taxable real and personal property in said third ward not exceeding one per cent in any one year, which tax shall be collected at the same time and in the same manner that other city taxes are collected, and when so collected the same shall not be appropriated or used for any other purpose whatever than for paying the interest and

principal of the bonds authorized to be issued by the first section of this act.

Sec. 4. The mayor and common council of the city of Milwaukee may, by ordinance, provide for regulating the sale of meats, provisions, and vegetables, and confine the selling thereof in the third ward within such limits as they may deem proper. May regulate the sale of meats, &c.

Sec. 5. Before proceeding to erect a Market House on said ground, the aldermen shall cause a plan and specification of the same to be drawn, and a copy thereof deposited in the office of the city comptroller, and all contracts for building and improving the same shall be let to the lowest bidder. Previous to the letting ten days notice shall be given through one or more of the daily papers published in the city of Milwaukee, and all contracts for building or otherwise improving said real estate so purchased shall be signed by a majority of the aldermen of said third ward, and countersigned by the city comptroller. Market house.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved, July 6, 1853.

An Act to authorize the construction of a dam across Honey Creek.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 342.

SECTION 1. That Ernest Prieger, his associates, successors and assigns, are hereby authorized to construct and maintain a dam and bridge across Honey Creek, and use for the purposes of said dam and bridge the Spring-street road, passing within the boundaries of any land he or they or either of them may own in section twenty-eight (28) in town seven (7) of range twenty-one (21), in the county of Milwaukee: *Provided*, That by the building of said dam and bridge the travel on said road shall not be hindered, and *Provided*, that said Ernest Prieger, his associates, successors, and assigns, shall keep and maintain so much of said road as they or he shall use for their dam in good repair and condition, so long as used by them for that purpose; and *Provided*, also, that in the event that said dam shall cause the water to flow back on any lands not owned by them or either of them, then they shall pay to the owner or owners thereof such sum as such land may be reasonably worth, such value to be ascertained by the Authority to construct a dam.

verdict of jury in an action of trespass, to be brought in any court of record.

Penalty for injury.

Sec. 2. Any person or persons committing any injury to said dam, shall be liable to the owner or owners thereof for the amount of injury done, and all damages sustained may be collected before any court having competent jurisdiction, and be punished in the manner provided by law for offences of that nature.

Approved, July 6, 1853.

Chap. 343.

An Act to authorize the laying out a Road from Menasha, by Lake Shawano, to Lake Vieux Desert.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows :

SECTION 1. That Charles Lucius Taft, Norman Wolcott, be and they are hereby appointed commissioners to lay and establish a State Road from Menasha, by Lake Shawano, to Lake Vieux Desert: *Provided*, The expense of the same shall be paid by the counties through which said road may run.

Approved, July 6, 1853.

Chap. 344.

An act to amend an act entitled an act to extend Wisconsin street in Portage City, and change the name of a portion of the same.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of an act entitled "an act to extend Wisconsin street in Portage City and change the name of a portion of the same," approved March 17th, 1853, is hereby so amended as to read as follows: That the street known as Wisconsin street on the plat of Webb and Bronson, in Portage City, county of Columbia, and State of Wisconsin, is hereby extended from a point where said street running in a westerly direction reaches the south bank of the Portage Canal, in a line direct and continuous as near as practicable, of that portion of said street lying within said plat of Webb and Bronson, east of lot 13, in block 238, through the lands owned by Andrew Dunn, Hugh McFarlane, William Armstrong, Samuel

Morrison, Charles H. Moore, John Coffey, Maximilian Averbek, James O'Neal, and the heirs of Clark Whiting, lying and being on section five, six, and eight, of township twelve, north of range nine east.

Sec. 2. This act shall be in force from and after its passage.

Approved, July 6, 1853.

An act to authorize the county of Marathon to borrow money for the erection of county buildings.

Chap. 345.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The board of supervisors of the county of Marathon are hereby authorized to borrow on the faith and credit of said county, a sufficient sum of money for the erection of a Court House and Jail at the county seat of said county, at such rate of interest as may be agreed upon, not exceeding twelve per cent per annum ; and the money so borrowed shall be appropriated to the erection of such buildings, and to no other purpose whatever. May borrow money.

Sec. 2. It shall be the duty of the board of supervisors of said county, and they are hereby authorized to levy and collect annually on all the taxable property in said county, in addition to the taxes already authorized by law, a percentage on the assessed valuation of the taxable property, as evidenced by the assessment rolls made next previous to raising of such tax, sufficient to pay and discharge the interest on said loan or loans as the same becomes due, and in the year previous to that in which the principal sum so loaned shall become due, the board of supervisors shall levy an additional tax upon all the taxable property in said county, to be collected in cash, sufficient to pay the principal sum or sums so loaned, and every such tax shall be levied and collected in the same manner as taxes for State purposes are levied and collected, and shall be a lien on real estate from the time such levy shall be made. Tax to discharge the debt.

Sec. 3. The board of supervisors of said county are hereby authorized to issue, under the seal of the county, signed by the chairman and attested by the clerk, the bonds of said county, in sums not less than one hundred dollars, to the amount of the sum voted by said board to be Issuing bonds.

borrowed, which bonds may be negotiated under the authority of said board.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved July 6, 1853.

An act to authorize Justus Carpenter to file his official bonds and oath of office for Justice of the Peace.

Chap. 346.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. Whereas, at the annual town meeting held in the town of Palmyra, Jefferson county, Wisconsin, on the first Tuesday in April, A. D. 1853, Justus Carpenter was elected to the office of Justice of the Peace, for the full term; and whereas the said Justus Carpenter by reason of sickness was prevented from filing his bonds and oath of office for Justice of the Peace: Now, therefore, the said Justus Carpenter is hereby authorized to file his official bond and oath of office at any time after the passage of this act, and on his so filing his bond and oath of office the said Justus Carpenter shall be a Justice of the Peace, the same as if he had filed his bond and oath of office in conformity with the statute in such cases made and provided, and full faith and credit shall hereafter be given to his official acts, the same as if he had filed his bond and oath of office within the time heretofore provided by law.

Sec. 2. This act shall take effect immediately.

Approved July 6, 1853.

An Act to incorporate the Janesville Hotel Company.

Chap. 447.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A. Hyatt Smith, William M. Tallman, Timothy Jackman, Joseph H. Budd, Andrew Palmer, J. Bodwzell Doe, Benjamin F. Pixley, John Mitchell, John A. Nebrig, Peter Myers, John Frink, Martin O. Walker, John T. Lacy, Geo. H. Taylor, Solomon Hutson, Stephen G. Williams, Aaron Jerome, James H. Ogilvie, Lyman P. Barrows, James M. Croft, David H. Babbitt, O. P. Robinson, Thomas B. Woolliscraft, William Addy, Uriah Schutt, Robert B. Freat, Abel Jones, Carlos Brown, John M. Hobson, Moses S. Pritchard, Benjamin A. Rent, Wm.

Dave, Amos P. Prichard, Chauncey P. King, Francis Dane, James M. Alden, Henry R. Moore, Oliva Van Kirk, Isaac M. Norton, Edward L. Dimock, Otis H. Norton, David Noggle, J. B. Moon, Herman Rice, Wm. P. Hammond, T. J. Covell, T. C. Covell, J. Tompkinson, Ezra Dutton, Geo. R. Woodruff, John A. Knox, Joseph D. Wood, and Theodore Kendall, who are subscribers to the capital stock of the Janesville Hotel Company, hereby incorporated, with such other persons as shall associate with them for the purpose of erecting a first class hotel in the city of Janesville, their successors and assigns, shall be and are hereby declared and created a body corporate and politic by the name and style of the Janesville Hotel Company, with perpetual succession, and by that name shall have all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places; they shall be capable of purchasing, holding, selling, leasing, and conveying estate, real, personal and mixed, as far as may be necessary and proper for the construction, management, and usefulness of a first class hotel in the city of Janesville, with the usual and necessary out buildings and appurtenances; they may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things which to them shall lawfully appertain to do for the well being of the corporation. Grant of powers.

Sec. 2. The capital stock of said company shall be thirty thousand dollars, exclusive of the valuation of lots numbered eighty-eight, ninety, ninety-two, and ninety-four, in Smith, Bailey, and Stone's addition to Janesville, on which said hotel may be erected, and when the said lots shall be valued by the appraisal of three disinterested persons, to be chosen by a majority of the stockholders, such valuation shall be added to the capital stock aforesaid, and the whole capital stock thus ascertained and determined shall be divided into shares of fifty dollars each. Capital stock.

Sec. 3. The affairs of said corporation shall be managed by a board of five directors, who shall be chosen by ballot, each share of stock being entitled to one vote, the votes to be delivered in person or by proxy duly authorized; which directors shall appoint one of their number President; and for the purpose of electing the first directors the above named subscribers to said capital stock, or any five of them, may give ten days notice in one or more Directors.

First election. newspapers published in the city of Janesville of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing directors, and annually thereafter, on the second Monday of January, the stockholders shall meet for electing directors as aforesaid: *Provided*, That none but stockholders shall be elected directors.

Books opened Sec. 4. A majority of said board of directors shall constitute a majority for the transaction of business; they may, immediately after the first election of directors, cause books to be opened at such time and place as a majority of the directors shall direct for the purpose of receiving additional subscription to the capital stock of said company; they shall have power to make and establish such by-laws, rules, orders, and regulations as may be necessary for the management of the affairs of said corporation, to make such covenants, contracts, leases and agreements with any person or persons, copartnership, or body politic whatever, as they may deem expedient and for the interest of the company.

In case of non-election. Sec. 5. If from any cause an election of directors shall not be held at the time specified therefor, the same may be held at any other time, upon ten days notice being published as aforesaid, and until such election the directors of the preceding year shall continue to act, and their charter shall not be voided or otherwise affected by reason of any irregularity or want of such election, and in case of vacancy from the death or resignation of any director, his place may be filled by the board of directors.

Notice of meetings. Sec. 6. The said company are hereby authorized, at any meeting of the stockholders called for that purpose, after ten days notice published in one or more newspapers in the city of Janesville, to increase their capital from time to time as they may think proper: *Provided*, that the aggregate capital shall not exceed one hundred thousand dollars.

May borrow money: Sec. 7. The said company are hereby authorized, in their corporate capacity, to borrow any sum or sums of money from any person or persons, corporation, or body politic of any kind, and make and execute in their corporate name any necessary writings, notes, bonds, mortgages, or other papers, and make, execute, and deliver such securities in amount or kind as may be deemed expedient by said corporation for all purposes necessary in carrying out the object of said company, and the official acts of said company are declared to be binding in law and

equity upon said corporation and upon all other parties to such contract.

Sec. 8. The stockholders of said corporation shall be individually liable for all the debts of said corporation to the extent of the stock owned by them respectively: *Provided*, that no suit shall be maintained against any such stockholder for any debt due by said corporation, until an execution therefor shall have been issued against said corporation and returned unsatisfied in whole or in part. Individual liability.

Sec. 9. This act shall be favorably construed to effect the purpose thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by authority of the State shall be recorded as evidence thereof.

Sec. 10. This act shall take effect immediately.

Approved July 6, 1853.

An act to amend section eleven of an act to incorporate the Milwaukee and Waukesha Railroad Company.

Chap. 348.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the power to appoint the three persons whose appointment is provided for in section eleven of an act to incorporate the Milwaukee and Waukesha Railroad Company, be and the same is hereby vested in the Chief Justice of the Supreme Court of this State. Power of appointment vested.

Sec. 2. Said appointment shall be made in the first instance on like application as is named in said section eleven, and the persons so appointed may reside in any part of this State, and when appointed shall hold their appointment until the first Monday of January following, and until another appointment shall be made as provided for in the following section of this act. Term of appointment.

Sec. 3. On the first Monday of January in each year, or so soon thereafter as convenient, said Chief Justice shall make a new appointment, either of the same or other persons, as he shall deem proper, and in case of a vacancy said Chief Justice shall have the power at any time to fill the same. Vacancies.

Sec. 4. The persons appointed agreeably to the provisions of this act, shall possess the same power and perform the same duties as if appointed in the manner set forth in said section eleven.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved July 6, 1853.

Chap. 349.

An act to amend an act to incorporate the Highland Grove Mining Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

May take lands
for digging
drains.

Provido.

SECTION 1. Section three of an act to incorporate the Highland Grove Mining Company, approved April 2, 1853, is hereby amended to read as follows: It shall be lawful for said company to enter upon and take, not to exceed ten feet in width, any land or lands they may deem necessary for the purpose of cutting, digging, or making a drain or water course, to any range or ranges of mineral or lead ore under their charge or ownership within the town of Hazel Green, county of Grant, and in case of non-agreement between said company and any of the owners of said lands, or if any of said land-owners are absent from the State, the damages sustained by the taking of said lands shall be ascertained and settled for as follows, to wit: the town board of supervisors of said town shall appoint three disinterested persons as commissioners, who, after being duly sworn to impartially discharge their duties, shall proceed to view and examine the lands so taken or required by said company, and to estimate the damages sustained by the owners thereof, and report the same in writing to the clerk of said town, who shall file the said report in his office, and notify each party interested therein either personally or by leaving a written notice of said report at his or her last place of residence: *Provided*, one or more members of his or her family are residents of said county at the time of serving such notice, otherwise such notice shall be published in some newspaper of said county, three successive weeks, and said company shall pay all expenses hereby incurred and also all damages assessed and estimated by said commissioners, within thirty days after the serving of said notice, or upon application therefor; but either party may appeal from the action of said commissioners to the county court, within thirty days after receiving the above notice, where the matter may be tried as other issues are tried, otherwise the action of said commissioners shall be final and conclusive.

Guilty for

Sec. 2. Any person who shall wilfully or maliciously obstruct or in any way damage any of the works of said company, shall be deemed guilty of a misdemeanor, and

shall be punished by fine or imprisonment, or both, at the discretion of the court.

Sec. 3. This act shall take effect from and after its passage.

Approved July 6, 1853.

An Act to incorporate the Fox Lake Mutual Insurance Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows : Chap. 350.

SECTION 1. John W. Davis, David D. Thomas, Wm. E. Smith, George Knowles, James Evans, John L. Brower, Miner Porter, Duncan Cameron, and John Ap. Jones and their associates, and all such persons as shall hereafter have property insured by the said company, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the Fox Lake Mutual Insurance Company. Incorporated.

Sec. 2. The said corporation hereby created shall have power and authority to make contracts of insurance with any person or persons, or any body corporate or politic, against any losses by fire of any houses, stores, or other buildings whatsoever, or of any goods, chattels, or personal estate whatsoever, for such term or terms of time, and for such premium or consideration, and under such modifications and restrictions as may be agreed upon between the said corporation and the person or persons agreeing with them, for such insurance. Nature of insurance.

Sec. 3. Every person who shall at any time become interested in said company by insuring therein, and also his heirs, executors, administrators and assigns, continuing to be insured therein as hereinafter mentioned, shall be deemed and taken to be members thereof, for and during the terms specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act, and the property and concerns of said corporation shall be managed and conducted by a board of nine directors, and that John W. Davis, David D. Thomas, Wm. E. Smith, George Knowles, James Evans, John L. Brower, Miner Porter, Duncan Cameron, and John Ap. Jones, shall be the first directors of said corporation, and shall continue in office for the period of one year and until others shall be chosen, and no longer. The directors shall be elected on the first Monday of September in each year, at such hour of the day, at the village Directors.

Notice of
election.

of Fox Lake, in the county of Dodge and State of Wisconsin, as the board of directors for the time being shall appoint, of which election public notice shall be given in one or more of the public newspapers printed in the county of Dodge, at least thirty days previous to such election, and such election shall be holden under the inspection of the members not being directors, to be appointed previous to every election by the board of directors, and such election shall be made by ballot, and by a plurality of the votes of the members then present, or their proxies, allowing one vote for every hundred dollars each member shall have insured in said company, and every member may vote in person or by proxy, at his pleasure, at any election of directors of said company; membership shall be ascertained by the records and entries in the office of the secretary of said company, and no oath shall be administered to any member offering to vote in person, or required to be attached to his appointment when offering to vote by proxy.

Voting.

Choosing
president.

Sec. 4. The directors hereinbefore named shall, as soon as may be after the passing of this act, and the directors to be chosen at such annual elections shall, as soon as may be thereafter, proceed to choose out of their body one person to be President, and in case of the death, resignation, or inability to serve of the President, or any director of said corporation, such vacancy may be filled for the remainder of the year by the board of directors; and in case of the absence of the President, the board of directors shall have power to appoint a President pro tem., who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

In case of non-
election.

Sec. 5. If it shall at any time happen that an election of directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of said corporation.

Policies how
signed.

Sec. 6. The policies of insurance and other contracts founded thereon hereafter to be made or entered into by said corporation, though not under seal, if subscribed by the President, or in case of his absence, resignation or inability to act, by such officer or officers or person or persons as may be for that purpose authorized by the act of incorporation or by-laws of said corporation, and counter-

signed by the Secretary, shall be binding and obligatory upon the said corporation, and shall have like force and effect to all intents and purposes as if the seal of said corporation had been or was affixed thereto; and further, all such policies or contracts may be so signed and attested, and all other business of said corporation may be conducted and carried on by committees or otherwise, without the presence of a board of directors, and shall be binding and obligatory on the said corporation, if the same be done under or in conformity to the by-laws and ordinances of said corporation.

Sec. 7. In case any person or persons insured, named in any policy or contract of insurance, made by said corporation hereby created, shall sell or convey or assign the property insured during the time for which it is insured, it shall be lawful for such insured to assign and deliver to the purchaser or purchasers such policy or contract of insurance, and such assignee or assignees shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit thereon in his, her, or their own names: *provided*, that before any loss happens, he, she, or they shall obtain the consent in writing of such corporation to such assignment, and have the same endorsed or annexed to the said policy of insurance.

Consequences
of assignation
of property.

Proviso.

Sec. 8. It shall and may be lawful for said corporation to take and hold any real estate *bona fide* mortgaged to the said corporation by way of security for the payment of any debts which may be contracted with the said corporation, and to proceed on the mortgaged securities for the recovery of the moneys thereby secured, either in law or equity, in the same manner as any other mortgagee is or shall be authorized to do, and also to purchase on sales made by virtue of any proceeding at law, or any order or decree of any court of equity, or any other legal proceedings, or otherwise receive and take any real estate in payment of or towards the satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property.

Real estate
security.

Sec. 9. The said directors and such others as may be chosen by the said corporation, shall be indemnified and saved harmless by the members of said corporation in proportion to the amounts of property that each and every member may have insured at and after the rates of insurance of such property by the said corporation in and for

Indemnity to
directors.

the giving out and signing policies of insurance and other lawful acts, deeds, and transactions, done and performed in pursuance of this act, and neither of the said directors shall be answerable for or charged with the faults, neglect or misdeeds of others of them.

Obligations of members. Sec. 10. Every member of said company shall be and is hereby bound to pay his proportion of the losses and expenses accruing in and to said company, and all buildings insured by said company, together with the right, title, and interest of the insured to the lands on which they stand, shall be and hereby are pledged to said company, and said company shall have a lien thereon against the insured during the continuance of his, her, or their policy to the amount of the premium note deposited with said company, and no more, the lien to take effect whenever the said company shall cause to be filed in the office of the Register of Deeds of the county where the property is insured, a memorandum of the name of the individual insured, and a description of the property; the lien in no case to exceed one hundred dollars.

Assessments on premium notes. Sec. 11. Whenever any assessment is made on any premium note given to the said company for any hazard taken by said company, or as consideration for any insurance issued or to be issued by said company, and an action is brought for the recovery of such assessment, the certificate of the Secretary of said company, specifying such assessment and the amount due to said company on such note by means thereof, shall be taken and received as prima facie evidence thereof in all courts and places whatsoever.

Fraud. Sec. 12. Any person who, as Secretary, deputy Secretary, or clerk of said company, shall be guilty of any designed falsehood or fraud in the certificate authorized by the eleventh section of this act, shall be guilty of a misdemeanor; any person who shall personate or falsely affix the name of said Secretary, deputy, or clerk, to any such certificate, shall be guilty of a misdemeanor; any person to vote in person at any election of directors of said company who shall falsely personate another, shall be guilty of a misdemeanor; and any person who shall falsely sign the name of any person or member of this company to an appointment of a proxy shall be guilty of a misdemeanor.

Penalty. Sec. 13. Any person convicted of a misdemeanor for any offence under this act, shall be sentenced to imprisonment in the county jail for a term not exceeding six

months, or to pay a fine not exceeding fifty dollars, or both, such fine and imprisonment at the discretion of the court before whom he or she may be convicted.

Sec. 14. The President and directors of said corporation shall have power to appoint such officers and agents as they may find necessary, prescribe their duties, and require bonds for the faithful performance thereof, and may from time to time adopt such by-laws and regulations for the business of said company as they may deem expedient, such by-laws and regulations not to be inconsistent with the constitution and laws of the United States or of this State, and such by-laws shall determine as near as practicable the rates of insurance on the different classes of property and the sums to be deposited for any insurance.

Powers of
president and
directors.

Sec. 15. The directors, before they execute any of the duties of their office, except choosing President, shall severally take an oath or affirmation that they will faithfully, diligently, honestly, and impartially perform the duties of their respective offices according to the best of their abilities.

Sec. 16. The operations and business of the Fox Lake Mutual Insurance Company shall be carried on in the village of Fox Lake, State of Wisconsin, and this act shall take effect from and after its passage. The legislature of this State may at any time alter, modify, or repeal this act.

Approved, July 6, 1858.

An Act to authorize Sauk county to borrow money.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 351.

SECTION 1. The Board of Supervisors of the county of Sauk are hereby authorized and empowered to borrow any sum of money not exceeding ten thousand dollars, for a term of years not exceeding fifteen, and for a rate of interest not exceeding ten per cent per annum, for the purpose of building a court house and jail for said county, on the public square in the village of Baraboo, or on any lot or lots in said village owned by said county.

May borrow
money.

Sec. 2. Whenever for the purpose of carrying out the provisions of the preceding section, and for the purpose of securing the payment of the money so borrowed, and the interest thereon, the board of supervisors of said county shall so order, the clerk of said board shall be and hereby

Issuing county
bonds.

is authorized to prepare county bonds of the county of Sauk, with coupon attached, and shall make and execute the same for and in behalf of said county, under his hand, and shall cause the seal of said board of supervisors to be affixed thereto, said bonds to be made payable at the county treasurers office in said county, at such time as may be agreed upon by the terms of such loan, or as the said board of supervisors may order, but in no case to exceed the time mentioned in the first section of this act, and at a rate of interest not exceeding ten per cent per annum.

Duplicates.

Sec. 3. The said clerk shall number said bonds and shall make duplicates of the same to be filed and kept in his office.

Negotiation of bonds.

Sec. 4. Whenever said bonds shall be issued in pursuance of said order of the said board of supervisors, the treasurer of said county shall negotiate the same as soon as practicable, to the best interests of said county, and he shall be allowed a reasonable compensation for his time and expenses in negotiating the same; but he shall receive no other per centage on the monies procured by said bonds than the supervisors may allow for his services and expenses in negotiating the same.

Money devoted to building county buildings.

Sec. 5. When said treasurer shall receive the money on said bonds he shall deposit the same in the county treasury, and shall not pay out any portion thereof except on orders drawn for the express purpose of furnishing materials and building the said court house and jail.

Tax in payment of interest.

Sec. 6. The board of supervisors of said county are authorized to levy a tax annually upon the taxable property in said county, sufficient to pay the interest on said bonds, which shall be collected as a special tax, in money, and paid over to the county treasurer in the same manner as state taxes are collected and paid over, and the said county treasurer shall receive the same for paying, and shall pay the interest on said bonds as the same may become due.

Payment of principal.

Sec. 7. The said board of supervisors whenever such bonds shall become due, or at any other time, are further authorized to levy in like manner a tax sufficient to pay the principal of said bonds, which shall be levied, collected and paid over in like manner as is mentioned in the preceeding section.

Sec. 8. The amount of such taxes, when so levied and collected, shall be immediately applied by the said county treasurer or his successor in office, to the payment of said bonds whenever the same may become due, and no por-

tion of the amount of such taxes shall be paid by said treasurer for any other purpose whatsoever.

Sec. 9. The said treasurer and his sureties shall be liable on his official bond for the faithful performance of his duties as prescribed in this act.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved, July 6, 1853.

An Act supplemental to an act to provide for laying out a State road therein named.

Chap. 352.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that portion of a road leading from Boat Yard Hollow, on the Mississippi river, to the village of Fairplay, in the county of Grant, laid out and surveyed under an act entitled "An act to provide for laying out a State road therein named," approved, March 31st, 1853, is hereby declared a legal public highway; and the overseer of roads, of the road district in which the same is situated, is hereby authorized to expend so much of the road taxes in his district thereon, as he may deem necessary for the public convenience, and all of the old road heretofore laid out and traveled, adjoining or contiguous to the first named road, is hereby vacated.

Sec. 2. This act shall take effect from and after its passage.

Approved, July 6, 1853.

An Act to change the name of Jane Abigail Hubbard to Jane Abigail Palmer.

Chap. 353.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Jane Abigail Hubbard of the town of Geneva, in the county of Walworth, is hereby changed to that of Jane Abigail Palmer, and by the last mentioned name she shall be hereafter known and recognized. Name changed

Sec. 2. The said Jane Abigail Palmer shall be known as the adopted daughter of Alexander S. Palmer and his wife Jane N. Palmer of the said town of Geneva, and entitled to all the rights and privileges, and subject to all the duties of inheritance, support and maintainance, as fully Made the heir.

and effectually, and in the same manner as she might or could do if she were the legitimate child of the said Alexander S. and Jane N. Palmer.

Sec. 3. This act shall not take effect or be in force until the said Alexander S. Palmer shall by an instrument in writing under his hand and seal irrevocably accept this act, and cause the same to be recorded in the office of Register of Deeds of Walworth county.

Approved, July 6, 1853.

Chap. 354.

An Act to amend an act entitled "an act to incorporate the Milwaukee and Watertown Railroad Company." Approved March 11, 1851.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Powers of directors.

SECTION 1. The board of directors of the Milwaukee and Watertown Railroad Company, are hereby invested with all the powers of the said corporation, and as such directors are fully empowered to locate, re-locate, and construct the whole or such portion of the railroad or railroads which by the said act of incorporation and the act amendatory thereto, the said company is authorized to construct, and so much of section nine of said act as requires the road to be located by a vote of the stockholders is hereby repealed from and after the second day of August next.

Act repealed.

Sec. 2. So much of section eleven (11) of said act as prohibits the said company from erecting or running their said railroad through any garden, orchard or building without having first obtained the consent of the owner thereof, is hereby repealed, and the said company are fully authorized to enter upon, survey, locate, re-locate and construct their said railroad upon such route or line as the directors of said corporation may deem advisable.

Sec. 3. Such portion of the act of which this is amendatory as conflicts with the provisions of this act be and the same are hereby repealed.

Sec. 4. It shall be lawful for the directors of said railroad company to consolidate with, purchase or lease, any railroad in this state, and it shall be lawful for the directors of any railroad company in this state to contract with said railroad company for the purposes herein mentioned.

Approved, July 6, 1853.

An act to amend an act entitled "an act to incorporate the Columbus, Montello and Stevens Point Railroad Company."

Chap. 355.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of an act entitled "an act to incorporate the Columbus, Montello and Stevens Point Railroad Company," approved April 1st, 1853, is hereby amended by inserting after the word Directors, where it first occurs in said section, the following, viz: and said company shall have power to locate and construct a railroad with one or more railways or tracks from such eligible point in or near the village of Madison in Dane county, to such eligible point in or near the village of Montello as shall be determined upon by the board of directors.

Amendment.

Sec. 2. James S. Alban, Richard F. Wilson and John Wright, are hereby appointed additional commissioners to receive subscription to the capital stock of said railroad company, with the same powers that are conferred upon the other commissioners in the act to which this is amendatory.

Sec. 3. This act shall take effect immediately.

Approved, July 6, 1853.

An act to amend the charter of the Green Bay, Milwaukee and Chicago Railroad Company.

Chap. 356.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Green Bay, Milwaukee and Chicago Railroad Company are hereby authorized and empowered to change the name of said company by a vote of its board of directors, at such time as they may deem advisable to that of the Northwestern Lake Shore Railway Company.

Named changed.

Sec. 2. Said company is authorized and empowered to enter upon and take for its use all necessary lands for depot grounds, buildings and tracks or turnouts, and may procure title to the same in the same manner as is provided for procuring right of way in its charter.

Sec. 3. The fifth section of the act entitled "an act to amend the charter of the Green Bay, Milwaukee and Chicago Railroad Company," approved March 4th, 1852, is hereby repealed.

May enter upon lands.

Sec. 4. It shall be lawful for the directors of said company to consolidate with, purchase or lease the whole or any portion of any railroad or railroads in this state, and

Repealed.

ation it shall be lawful for the directors of any railroad corporation in this state to contract with the directors of said company for the purposes herein mentioned.

Sec. 5. This act shall take effect from and after such time as said company by a vote of its directors shall assent to this amendment.

Approved, July 6, 1853.

An Act to incorporate Janesville Wesleyan Seminary.

Chap. 357. *The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Incorporated. SECTION 1. That Hon. A. Hyat Smith, J. L. Kimball, Esq., J. B. Doe, Esq., Hughes, Esq., Hon. Rufus Cheney, J. F. Willard, Esq., J. P. Wheeler, Esq., Rev's. A. P. Allen, P. S. Bennett, D. Stansburg, Hon. Charles Durkee, Prof. A. C. Spicer, J. Sutherland, Esq., Z. P. Burdick, Esq., Wm. M. Tallman, Esq., J. R. Pease, Esq., M. McKey, Esq., Hon. W. A. Lawrence, F. Metcalf, Esq., G. J. Fowler, Esq., John Mitchell, M. D., A. B. Jackson, A. E. Foote, Esq., Rev. Wolsey Washburn, Rev. C. C. Mason, Albert G. Night, Esq., A. Hayner, Esq., and their successors, be and they are hereby created a body politic and corporate, to be styled the board of trustees of Janesville Wesleyan Seminary, and shall be trustees of said corporation, for the purpose of further establishing, maintaining and conducting an institution of learning for the education of youth generally, and by the aforesaid corporate name to remain in perpetual succession, with full power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to acquire, receive, purchase, possess, hold, retain and enjoy in deed and in law, to themselves and their successors, property, real, personal and mixed, and the same to sell, grant, mortgage or convey, rent or otherwise dispose of at pleasure, for the purpose of education.

Provisions. *Provided*, always, That the annual income of the Seminary shall not exceed twenty thousand dollars; to have and use a common seal, which they may alter and renew at pleasure; to make and alter from time to time such by-laws, rules and regulations as they may deem necessary for the government of said institution; *Provided*, such by-laws, rules and regulations are not inconsistent with the constitution and laws of the United States and of this State.

Sec. 2. That the said Seminary shall be located in the Location and
city of Janesville, at such place as the trustees may select, plan.
and shall be erected on a plan sufficiently extensive to af-
ford instruction, with ample facilities to perfect the scholar
in the liberal arts and sciences, it being understood that at
no time are they required to exceed the means under their
control.

Sec. 3. That the board of trustees shall consist of Board of
twenty-seven members, eleven of whom shall constitute a trustees.
quorum for the transaction of business, though a less num-
ber, in the absence of a quorum, may adjourn from time
to time. Said board of trustees shall have power to appoint
a president, two vice-presidents, recording secretary, cor-
responding secretary and treasurer; and these officers of
the board, together with such other members as the board
may appoint, shall be termed the executive committee of
the board, and shall have power to transact all business of
the corporation committed to them by the by-laws of the
Seminary.

The board shall have power to appoint all such other Powers of the
officers and agents, and all teachers of the Seminary, as board.
the management and government of the institution may
require, to prescribe their duties, and to remove them at
pleasure; also, to prescribe and direct the course of studies
to be pursued in the institution and its departments; also,
to fill all vacancies that may occur in their own board by
expiration of office, removal of residence, resignation,
death or neglect, for one year, to perform the duties of
trustee.

Sec. 4. That the board of trustees shall hold their first First meeting.
annual meeting in the city of Janesville, within four weeks
from the passage of this act, at which time the members
shall be divided into three classes, nine in each class, and
the office of the trustees of the first class, shall expire at the
time of the first annual meeting of the board thereafter,
and the office of the trustees of the second class shall ex-
pire at the time of the second, and the office of the trustees
of the third class, at the time of the third annual meeting
of the board; and the office of the trustees of one class
shall expire annually thereafter in rotation.

They shall also, at their first business meeting, appoint Annual meet-
an annual meeting of the board within one year thereafter, ing.
and at each annual meeting the time and place of the an-
nual meeting of the board for the next subsequent year
shall be appointed.

Special meetings. Sec. 5. That said board of trustees may meet on their own adjournment, and the president of the board with the concurrence of four other trustees, or any eight trustees, may call special meetings of the board by giving notice to the other members in writing or otherwise, at least ten days before the time of such meeting.

Application of funds. Sec. 6. That the board of trustees shall faithfully apply all funds by them collected or received, according to their best judgment, in securing the necessary accommodations and facilities for the success of the institution, in erecting suitable buildings, supporting the necessary officers, instructors and servants, and in procuring books and apparatus; *Provided*, nevertheless, that in case any donation or bequest be made for particular purposes, which accord with the design of the institution; the corporation, on accepting and receiving the same, shall apply it in conformity to the conditions and designs expressed by the donor.

Previo.

Religious qualification: Sec. 7. That no religious tenet or opinion shall be requisite as a qualification for the office of trustee, except a full belief in Divine Revelation; nor of any student shall any religious tenet be required to entitle them to all the privileges of the institution; and no religious tenet distinguishing between the different christian denominations shall be required as a qualification for any teacher or instructor in said institution; and no student shall be required to attend religious worship with any specific denomination, except as specified or chosen by the student himself or by his parent.

Sec. 8. The Legislature of this State shall have power to alter, amend or repeal this act at any time, without any judicial investigation, and invested rights to the contrary notwithstanding.

Approved, July 9, 1853.

Chap. 358. An Act to amend an act entitled an act to provide for the removal of the county seat of Manitowoc county. Approved Feb. 23, 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the fifth section of the act of which this is amendatory be and the same is hereby so amended that the supervisors of Manitowoc county be allowed until the first day of January A. D. 1855; to erect and complete suitable county buildings.

Approved, July 9, 1853.

An Act to vacate a part of the plat of Manitowoc, and define what lands shall be taxed in the village of Manitowoc for the purpose of building a harbor.

Chap. 359.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That portion of the plat of the town of Manitowoc known as Lots No. two, three and four, Section No. 19, Township No. 19, N., Range No. 24, E., and all that part of the North West quarter of the section aforesaid which is laid out as town plat, is hereby vacated.

Sec. 2. All fractional legal subdivisions of land made by public survey (and all the lots and blocks within said subdivisions in case the same shall be laid out as town plat) which front on the Manitowoc River between the West line of the village of Manitowoc and the East line of Township No. 19, North of Range No. 23, East, shall be liable to taxation, and shall be taxed as a part of said village whenever a tax shall be raised on the property therein for the purpose of building a harbor at the mouth of said river, or of paying any indebtedness incurred by said village in building said harbor.

Approved, July 9, 1853.

An Act to amend an act entitled An Act to authorize the President and Trustees of the village of Manitowoc to levy a tax to fill up the marsh therein named, approved March 23, 1853.

Chap. 360.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the first section of the act of which this is amendatory be construed to include all the marsh lots between Jay street and the Manitowoc river and Ninth street, and Lake Michigan, which have not been filled.

Marsh lots.

Sec. 2. The second section of said act is hereby so amended that the president and trustees of said village shall estimate and calculate the expense of filling each lot and the street or streets and side walk, or side walks in front of the same; and cause a roll to be made out as provided in said section, and place the amount so ascertained by them opposite the proper description of lots respectively.

Expenses estimated by board of trustees.

Sec. 3. Said act shall be so construed that said president and trustees in pursuance of the provisions thereof

Construction
of Act.

shall cause Block No. 226 and all of said marsh lots on the South side of Franklin street, to be filled during the summer of 1853, and may extend the time for filling the balance of said lots, streets and side walks as long as they may deem expedient; *Provided*, That the same be completed on or before the first day of January A. D. 1855.

Approved, July 9, 1853.

An Act relating to the School money due the town of Ashippun.

Chap. 361. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There is hereby appropriated to the town of Ashippun, in the county of Dodge, the sum of \$85,50, out of any money now in the treasury belonging to the income of the School fund for the year 1853.

Sec. 2. The town Superintend of Schools for the said town of Ashippun shall apply for and receive from the State Treasurer the said sum as aforesaid, and upon the receipt thereof shall proceed to apportion the same to the several school districts in the said town as they are entitled thereto according to law.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved July 9, 1853.

An Act to legalize the election of town officers in the town of Friendship, county of Fond du Lac.

Chap. 362.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The proceedings of the board of Inspectors of the town of Friendship in the county of Fond du Lac, at their last annual spring election for town officers, in said town, are and the same are hereby declared legal and binding, and the officers elected at said election are hereby declared to be the officers of said town.

Sec. 2. The acts of the officers so elected at said election, who have qualified and entered upon the duties of their respective offices, are and they are hereby declared legal and binding, and all such acts which may be done, or which are required to be done by said officers, by virtue of their said offices, and in pursuance of the laws of this state, are hereby declared as legal and binding as if no irregularity had taken place in the proceedings of the said board of Inspectors, at said election.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved, July 9, 1853.

An Act to legalize the Highway therein named.

Chap. 363.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That a certain road laid out by David Fowler, Jesse Mills, ——— Dutton and Edwards, under and pursuant to the 17th section of an act of the Legislature of the late Territory of Wisconsin, entitled "an act to provide for laying out and altering certain territorial roads therein named," approved March 13, 1848, is hereby legalized and declared to be a public highway the same as if the survey and plat of said road had been filed and (recovered) [recorded] in the office of the secretary of said territory, within the time prescribed by the laws of said territory.

Sec. 2. The road leading from the village of Manitowoc to the east line of the county of Calumet, commonly known as the Manitowoc and Calumet Road, as straightened and adopted by the majority of the commissioners for Manitowoc county, named in an act entitled "an act to provide for a special tax to improve the Manitowoc and Calumet Road," approved April 17th, 1852, is hereby legalized and declared to be a public highway, the same as if said road had been laid out and recorded in the manner provided by law, and the commissioners above referred to, or any two of them, are hereby authorized to make or cause to be made a survey and plat of said road, and record the same in the office of the clerk of the board of supervisors of said county of Manitowoc, and previous to making such plat and record, to make such alterations in said road as they may deem expedient.

Approved, July 9, 1853.

An Act to authorize the laying out of a certain State Road.

Chap. 364. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

**Commission-
ers appointed.** **SECTION 1.** Wilson Holt, John Batton and William R. Ward, are hereby appointed Commissioners to lay out and establish a State road commencing at the village of Waupacca, in Waupacca county, and running by the way of the village of Plover and Mill creek, in Portage county, to some point on Yellow river, in said county of Portage.

Sec. 2. It shall be lawful for a majority of said commissioners to proceed to lay out and establish said road, and do all and every thing competent for the whole of said commissioners to do in the premises.

Sec. 3. The county of Waupacca and Portage shall each pay for the laying out of said road in proportion to the distance it runs in each county; *Provided*, That no part of the expense of the same shall be paid out of the State Treasury.

Sec. 4. This act shall take effect from and after its passage.

Approved, July 9, 1853.

Chap. 365. An Act to authorize the town of Geneva to aid in the construction of a Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Issuing bonds. **SECTION 1.** That the Board of Supervisors of the town of Geneva, in Walworth county, be and hereby are authorized and empowered to issue the corporate bonds of said town to the Kenosha and Beloit, or any other Railroad Company, for the payment of a sum not exceeding twenty-five thousand dollars; such bond shall be transferable either by endorsement or delivery, and shall be made payable at a period not exceeding twenty years, with interest, not exceeding eight per cent per annum, payable semi-annually, at such place as shall be fixed upon by said supervisors.

**Railroad
bonds.** **Sec. 2.** Upon the execution and delivery of the bonds mentioned in the preceding section, the company to which such bonds shall be issued, shall execute to the said town of Geneva a bond, secured by mortgage upon the Railroad of said company, together with its lands, tenements, equipments and appurtenances, or such part thereof as

shall be agreed upon, which bond and mortgage shall correspond in amount and terms of payment with the town bonds to be issued by the supervisors of said town, in pursuance of this act. The bond and mortgage so executed by said Railroad Company shall be subject to such other lien or mortgage as may be executed by said Railroad Company, for an amount not exceeding one-half of the cost of said railroad, its equipments and appurtenances, and which shall constitute a first lien upon said railroad, its equipments and appurtenances, without regard to the priority of the date or record of the same.

Sec. 3. The bond and mortgage executed by said railroad company to said town of Geneva, and the interest thereon, as well as the faith and credit of said town, are hereby irrevocably pledged for the payment of the interest and principal of said town bonds issued in pursuance of the first section of this act, and the board of supervisors of said town, whenever necessary, shall levy a tax upon the taxable property of said town, sufficient with the interest received from said railroad company upon its bonds and mortgage, to pay the interest upon said town bonds as the same shall fall due.

Sec. 4. No such bonds shall be issued under the provisions of this act unless a majority of the legal voters of said town voting upon said question at an election called for that purpose, shall vote in favor thereof at such election. Those voting in favor shall vote a ballot containing the words "for the railroad," and those voting against shall vote a ballot containing the words "against the railroad." Said meeting shall be called, notice given, and conducted in the same manner as provided in sections 16, 17, 18 and 19, Chap. 12, of the Revised Statutes, for holding special town meetings.

Sec. 5. Whenever said meeting mentioned in the preceding section has been holden, and a majority of all the votes cast at said meeting shall be in favor of issuing such bond as mentioned in this act, it shall be the duty of the board of supervisors of said town to issue such bonds, signed by them and countersigned by the town clerk, and to deposit said bonds with the chairman of the board of supervisors of said town, to be delivered to the railroad company for which they were issued, whenever it shall be proved to the satisfaction of the board of supervisors of said town, by an affidavit of the president of the said railroad company, that such railroad is permanently located to some point in the village of Geneva, or within one hundred rods of said

Bond, &c.,
pledged.

Condition of
issuing bonds.

Disposition of
bonds.

village, and that twenty-five miles of said road have been constructed, and are in operation to the county line of Walworth county.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved, July 9, 1853.

An act to authorize Isaac Taylor to convey certain lands belonging to Evergreen Cemetery.

Chap. 366.

The people of the State of Wisconsin, represented in Senate and Assembly do enact as follows:

SECTION 1. Isaac Taylor, President of the Evergreen Cemetery Association of Racine, is hereby authorized and empowered to execute in his name a deed of the following described lands, belonging to said association, to John M. Cary, as follows, to wit:

Authorized to
deed land.

Be it
enacted

Being a part of the south-west quarter of section twenty-one, town three, range twenty-three east, commencing on the north-east corner of said quarter section, thence running west on the north line, thirty-two rods; thence south fifty-five rods, to the land of John M. Cary; thence on the line of John M. Cary's land twenty rods and eight feet; thence north-easterly on a straight line to the place of beginning; containing nine acres and three and three-quarter rods of land.

And said deed, when so executed, shall vest the title of said lands in said John M. Cary as fully and perfectly as the same is now possessed and owned by said Evergreen Cemetery Association.

Sec. 2. This act shall take effect immediately.

Approved July 9, 1853.

An act to amend the charter of the Racine, Janesville, and Mississippi Railroad Company.

Chap. 367.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Racine, Janesville, and Mississippi Railroad Company are hereby authorized to connect their railroad, at Beloit, with any railroad or branch railroad now chartered or which shall hereafter be chartered in the State of Illinois, and shall have power to operate their railroad in connection with such road or roads, or any portion thereof, on such terms as may be agreed upon b.

Authorized to
construct
branch roads.

said companies respectively, and shall have power to lease or purchase the whole or any portion of any such railroad, and shall also have power to consolidate the capital stock of said Racine, Janesville, and Mississippi Railroad Company, with the capital stock of any such Illinois road now or hereafter chartered by the State of Illinois, with which said company may connect at Beloit, and shall have full power to place the road of this company and its capital stock so consolidated, under a joint board of directors, to be chosen on such terms as the directors of the companies consolidating their capital stock shall agree upon.

Sec. 2. This act shall be published immediately, and shall take effect from and after its passage.

Approved July 9th, 1858.

An act relating to the First Baptist Society of Racine.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 368.

SECTION 1. The trustees of the First Baptist Society of Racine are hereby authorized to issue the bond of the said society for the sum of one thousand dollars, payable at such time and with such interest, not exceeding the rate of twelve per cent per annum, as they deem proper, and to secure the same by the mortgage of said society, through their trustees aforesaid, upon the lot owned by them in the city of Racine, and the brick church erected thereon.

Sec. 2. This act shall take effect from and after its passage.

Approved July 9, 1853.

An act to amend an act entitled an act to incorporate the La Crosse and Milwaukee Railroad company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 369.

SECTION 1. In all cases where, according to the provisions of the act of which this is amendatory, the company cannot agree with the owner as to the amount of compensation to be paid for any lands necessary for the use of said company, or with the guardian or husband as provided by said act, and where for the purpose of submitting such question of compensation to arbitration, the company shall have selected an arbitrator, and such owner, guardian, or husband shall have selected another, and

Proceedings in case of disagreement of parties.

where the two arbitrators so selected cannot agree as to the amount of such compensation, they shall select a third person to act with them, and in case the two arbitrators to be selected by the parties cannot agree upon the selection of a third person to act with them, as provided by the first section of this act, the Judge of the county court or chairman of the county board of supervisors of the county in which such land shall lie shall appoint some competent person to act with them as arbitrator, and the three arbitrators selected in either of the modes aforesaid, or a majority of them, shall proceed to make an award in the manner provided by the act of which this is amendatory, which award when made shall have the like force and effect, and be subject to the same conditions as an award made by arbitrators appointed by the Judge of the county court or chairman of the county board of supervisors as provided by said act.

Arbitrators.

Sec. 2. In case the arbitrators selected in pursuance of the first section of this act and of the act of which this is amendatory, or any arbitrators appointed by the Judge of the county court or chairman of the board of supervisors, in pursuance of the act of which this is amendatory, shall be unable to agree upon any award, or shall refuse to act, or for the space of three days after they shall be notified of their selection or appointment shall neglect to act, the Judge of the circuit court of the circuit in which such land shall lie shall appoint three other arbitrators in the manner provided in said act, who shall proceed in the discharge of the duties of their appointment in the same manner and form, and with the same force and effect as is provided by the said act for the arbitrators appointed in pursuance of its provisions.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved July 9, 1853.

Chap. 370.

An act to incorporate the Iowa Mining and Manufacturing Company.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Incorporated.

SECTION 1. George R. Hazwell, of New York, Charles C. Bellows, of the city of Buffalo, John Ross, Joseph Reid, Levi Sterling, of the town of Mineral Point, their associates, successors, and assigns, are hereby created a body corporate by the name of the Iowa Mining and Manufac-

turing Company, and by that name shall be and are hereby made capable in law to purchase, hold, and enjoy, and retain to them and their successors, lands, tenements, hereditaments, and the same to sell, grant, rent, or in any manner dispose of, to contract and be contracted with, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, may have a common seal and alter the same at pleasure, and by the same name shall be capable of purchasing, holding, and conveying any estate, real or personal property, for the use and benefit of said corporation.

Sec. 2. The capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and may be transferred in such manner as the by-laws of the company may direct. Grant of power.

Sec. 3. Said corporation shall have power to enter upon any lands they now own or may hereafter own in the county of Iowa, for the purpose of mining, smelting, manufacturing of lead, copper, tin, or zinc, they may deem proper, and to sell and dispose of the same at pleasure, may erect buildings and machinery for such mining, smelting, and manufacturing purposes, to be worked by steam or other power, may in their corporate capacity and name make and execute to any person or persons or body corporate or politic, any and all writings, evidence of debt, notes, bonds, mortgages, on real or personal property belonging to said company in the due prosecution of their business, as security for the loan of money borrowed by or due from said company, to any person or persons or body corporate; all of which said company is authorized to do, but this section shall not be so construed as to confer banking powers upon said corporation. Capital stock

Sec. 4. The property and affairs of said company shall be managed and conducted by a board of not less than three nor more than nine directors, who shall be elected annually and who shall respectively be stockholders in said corporation, and who shall be elected as aforesaid by the stockholders at such time and place as shall be directed by the by-laws of the corporation; each share of stock being entitled to vote, and may be cast by the holder thereof or by proxy duly authorized; all such elections shall be by ballot, and the persons receiving the majority of votes cast shall be directors, and when any vacancy shall May enter on lands.

happen from any cause, it shall be filled by the directors of said corporation from the number of stockholders; the number of directors and how many shall constitute a quorum for the transaction of business shall be determined by said by-laws.

President.

Sec. 5. The said directors shall annually after their election elect one of their number President, whose duty it shall be to preside at the meetings of the board, and in case of his absence at any meeting, the directors present may elect a President pro tem. The directors shall have power to make and prescribe such by-laws, rules, and regulations respecting the management of the property, concerns, business, and stock of said corporation as they may deem expedient and proper; all meetings for the transaction of business for the corporation shall be held at their office, which place shall be fixed by the by-laws, and the manner and times of calling meetings shall be prescribed in the by-laws of said company. The directors shall have power to appoint a Treasurer and Secretary and such other officers as may be required by the business of said company, and may remove the same at pleasure, and fix the compensation and define the duties of all officers; they shall have power to decide the time, manner, and proportions in which the stockholders shall pay the money due, or an equivalent therefor, on their respective shares, and to make such rules respecting the forfeiture of stock and shares as they may deem advisable; they shall also have power to appoint a time certain in each year for the election of directors, but such election shall always be held at the office of said company upon due notice to the stockholders of not less than thirty days before such election: *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any time, upon a like notice being given to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

Directors,
powers and
duties.

Proviso.

Books, when
opened.

Sec. 6. Books for subscription to the capital stock of said company shall be opened at such time and place as a majority of the persons named in the first section of this act may determine; said books may be kept open from day to day until a sufficient sum of said capital stock shall be subscribed, which sum shall be determined by the persons opening said books.

Sec. 7. When a sufficient sum of said capital shall have been subscribed for, said books may be delivered to

such subscribers, and the said subscribers shall then proceed to elect the board of directors, as herein provided for, and such directors when so elected shall at their first meeting determine the amount of capital of said corporation, which shall in no case exceed five hundred thousand dollars, and if such capital shall be fixed at any sum less than the last named amount, the same may at any time thereafter be increased by a two-third vote of the said directors, at a regular meeting thereof, to any amount, not in whole, however, exceeding the said sum of five hundred thousand dollars.

First meeting
of directors.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved, July 9, 1853.

An Act to authorize the improvement of Sauk river.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Chap. 371,

SECTION 1. Mason Woodruff, Hubbard Crocker and Simeon D. Powers, are hereby appointed commissioners to establish and improve the channel of Sauk river in the village of Port Washington, in the county of Ozaukee, from the point where said river crosses Canal street in said village, or any lower point, to Lake Michigan.

Commission-
ers.

Sec. 2. Said commissioners shall have power to change the channel of said river, and to straighten, widen and deepen the same in such manner as to them shall seem necessary, and for that purpose to locate such channel upon any village lot or lots, and to take from any lot or lots gravel or earth, or other material, or to confine said river to the channel so established, by driving piles or otherwise.

Their powers:

Sec. 3. Upon establishing the channel as aforesaid, and the manner in which the same shall be improved, said commissioners shall proceed in the performance of said work by letting the same by contract to the lowest bidder after giving two weeks notice of the same.

Letting of
contracts.

Sec. 4. Said commissioners shall appraise the damage sustained by the owner of any lot or lots through or upon which they shall locate the channel of said river, and shall make an assessment upon the several village lots in the blocks through which said river runs, or shall be located as aforesaid, to pay the expence of said improvement, including all damages appraised as aforesaid, taking into

Settlement for
damages.

consideration the benefit accruing to any of said lots from said improvement.

Assessment of tax. Sec. 5. Upon completing such assessment said commissioners shall make out a list of the said village lots upon which such assessment has been made as aforesaid, setting opposite the several lots the amount assessed thereon, and shall make and annex thereto a warrant under their hands, directed to the treasurer of the village of Port Washington aforesaid, directing and requiring said treasurer to collect such tax so assessed, adding thereto five per cent for his fees, from the owners of said several lots, and in default of payment of such tax by the owners of said lots, to sell said lots in the same manner as he is authorized to do upon a warrant for the collection of general taxes according to the act incorporating said village of Port Washington.

Tax sale. Sec. 6. Upon receipt of said warrant the treasurer of said village shall proceed to collect said tax, and in default of the payment thereof within thirty days after he shall have received said warrant, he shall proceed to sell said lots for the amount of the taxes assessed thereon, adding thereto twenty cents for advertising fees, and twenty-five cents for his own fees, upon each tract sold, in the same manner and upon the same notice as he is required to do for the collection of general taxes in said village, and if there shall be no bidder upon any lot offered for sale, said treasurer shall bid off the same in the name of said village, and upon such sale he shall issue to purchasers the like certificates of sale as upon sales for the collection of general taxes.

Redemption of lots thus sold. Sec. 7. If such lots shall not be redeemed within two years from the date of such sale, the treasurer of said village shall after giving the same notice to redeem as is required upon certificates issued for the collection of general taxes, execute under his hand and seal, and deliver to the holder of any such certificate a deed of the lot mentioned therein, in the same manner as he is authorized to do upon certificates issued in accordance with the act incorporating said village.

Sec. 8. Said treasurer shall pay over all sums collected upon said warrant, upon the order of the said commissioners, and if any lots shall be bid off by the said treasurer, the said village shall be holden to the said commissioners for the amount of tax upon such lots.

Approved, July 9, 1853.

An Act declaring Little Wolf River a navigable stream.

The people of the State of Wisconsin, represented in Chap. 372. Senate and Assembly, do enact as follows :

SECTION 1. Little Wolf river in the county of Waupaca, be and the same hereby is declared a navigable stream.

Approved, July 11, 1853.

An Act authorizing Carlton B. Wheelock to keep and maintain a Ferry across Fox river, at Green Bay.

Chap. 368.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. Carlton B. Wheelock, his associates, executors, administrators and assigns, shall have the exclusive privilege for the period of twenty years, to keep and maintain a Ferry across Fox river, at the foot of Cherry street, in the village of Green Bay, Brown county. Ferriage.

Sec. 2. The said ferry shall be subject to such regulations as other ferries are or may by law be subject, and the proprietor or proprietors thereof shall be entitled to receive for crossing any vehicle drawn by one or two horses or one yoke of oxen, forty cents ; for each additional horse or ox, fifteen cents ; for a man and horse, twenty-five cents ; for cattle or horses in droves, eight cents each ; *Provided*, hogs and sheep shall not be charged to exceed three cents per head.

Sec. 3. No ferry shall be chartered within one mile north or one mile south of said ferry.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved, July 11, 1853.

An Act to amend an act entitled "an act to authorize the chunty Supervisors of Manitowoc county to borrow money for the purpose therein named.,, Approved March 29, 1853.

Chap. 374.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the act of which this is amendatory is hereby so amended that in pursuance of the provisions of said act the supervisors of the said county of Manitowoc, may issue the bonds of said county for any sum not exceeding ten thousand dollars for the purpose of erecting county buildings in said county, and the

said supervisors, or any one of them, shall receive reasonable pay for any number of days necessarily and actually spent in the service of said county, previous to the completion of county buildings therein.

Approved, July 12, 1853.

An Act to vacate a part of a certain State road therein named.

Chap. 375.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Vacated.

SECTION 1. That so much of the State road commencing at S. B. Newcombs in the town of Madison, and running thence in a south-easterly direction, in the towns of Madison, Middleton and Springdale, to Blue Mounds, in the county of Dane, be and the same is hereby vacated as to that part and that only which is located in said town of Madison and Middleton, and that said road so vacated shall be no longer used for the purposes of a public highway.

Sec. 2. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

Approved, July 12, 1853.

An Act authorizing John W. Stewart to build and maintain a dam in the Petconica river, in the county of LaFayette.

Chap. 376.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Grant of
powers.

SECTION 1. John W. Stewart, his heirs, associates, successors and assigns, is and are hereby authorized and empowered to build and maintain a dam across the Petconica river, at any point he or they may deem most suitable, on any land he or they now or may hereafter own in section three, four, nine or ten, in township one, north, of range number five, east of the fourth principal meridian, and to erect and operate mills or other machinery, or in any other manner to make use of the water for hydraulic purposes, as he or they may see fit, and to sell or lease the right to use said water or any part thereof, and in as many parts as he or they may choose, to any person or persons whomsoever, body or bodies whatsoever; he or they may also build and maintain all such wharves or buildings as he or they may deem necessary for the facilities of business; *Provided*, That said dam shall not interfere with any dam now erected or heretofore authorized by law to be erected on said stream.

Sec. 2. The said dam shall not exceed eight feet in height above the surface of the river aforesaid at high water mark, and it shall contain a convenient lock, one hundred and twenty feet long, and twenty-five feet wide, so as to admit of the passage of boats, barges, batteaux or other water crafts, whenever and so soon as said river above and below said dam shall be so improved as to be navigable for such boats, barges and batteaux, and the owner or owners, occupier or occupiers, of said dam shall maintain said lock, and attend the passage of all boats, barges and batteaux through, free of any charge therefor.

Sec. 3. In the construction of said dam the proprietor or proprietors thereof shall construct a sufficient slide, and the same keep in good repair, not less than twenty feet wide, and so constructed as not to cause a fall of more than three feet to every twelve feet of smooth surface, to admit of the passage of all rafts of timber, or lumber down said stream, and so as to admit of the passage of fish up and down said river.

Sec. 4. In the event that such dam shall cause the water to flow back on any lands not owned by said Stewart and others, or by any or either of the persons hereby authorized to build and maintain said dam, which flowing is hereby authorized, then he or they shall pay to the owner or owners thereof such sum as such land may be reasonably worth irrespective of any enhancement of the value thereof, by occasion of the erection of said dam, such value to be ascertained by the verdict of a jury in an action of trespass (and by no other mode) to be by such owner or owners brought in any court of record within said county of LaFayette.

Sec. 5. This act is hereby declared a public act, and shall be printed immediately after the passage thereof, and when so printed shall take effect.

Approved, July 12, 1853.

An Act to provide for the erection of county buildings in the county of Calumet.

Chap. 377.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That Almond Merrill, John Marygold and William Poulson, be and they are hereby appointed commissioners for the procuring a site and the erection of

Commission-
ers to locate
site.

county buildings for the said county of Calumet, at Chilton Centre, in said county, upon such tract of land as has been or shall hereafter be given to said county for that purpose.

Letting of
contracts.

Sec. 2. That it shall be the duty of said commissioners as soon as convenient after the passage of this act, and before the fifteenth day of August next, to make and procure suitable plans and specifications for the said buildings, and advertize and let to the lowest bidder by contract to be secured to their satisfaction, the work of constructing the said county buildings, and the materials therefor, to be completed within six months from the passage of this act.

Cost limited.

Sec. 3. That the whole cost of said county buildings shall not exceed the sum of two thousand dollars. That as soon as said commissioners shall have ascertained the cost of said buildings, and shall have made a contract as aforesaid, for the erection thereof, it shall be their duty to notify the same in writing to the chairman of the board of supervisors of said county, who shall thereupon and as soon as convenient, and within one month after such notice, cause a meeting of the said board of supervisors to be held. That thereupon it shall be the duty of the said board of supervisors to provide money for the payment of the cost of such buildings, according to the contract of the said commissioners, or at the option of the said board of supervisors, the bond or bonds of the said county of Calumet for the said amount, payable in not exceeding ten years, and at a rate of interest not exceeding ten per cent. payable annually, to be signed by the chairman of the said board of supervisors, countersigned by the clerk thereof, with the seal of said county affixed, may be issued.

County bonds.

Sale of bonds.

Sec. 4. That it shall be the duty of the clerk of the said board of Supervisors to pay out such money or deliver such bonds, as the case may be, from time to time, to the said commissioners, on their order, as the said commissioners shall require, and the said commissioners may sell such bond or bonds or pay the same to the persons so as aforesaid contracting with them, as they may deem best and find practicable, and shall pay the amount from time to time to the contractor according to the terms of their said contract, and account for the same to the said board of supervisors in writing.

Sec. 5. That the majority of said commissioners may perform all the duties and exercise all the powers herein provided, in case of neglect, refusal or dissent of the other,

and that the said commissioners shall receive as compensation for their services at the rate of one dollar and a half per day for their time actually spent, to be paid by the said board of supervisors. Compensation of commissioners.

Sec. 6. All provisions of any act or acts heretofore passed contravening the provisions of this act are hereby repealed. This act shall take effect as soon as passed.

Approved, July 12, 1853.

An Act to incorporate the Janesville Gas Light Company.

Chap. 378.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Steven Riner, Charles Holt, James Armstrong, Charles Stevens, James M. Burgess and Joseph B. Doe, and such persons as may become associated with them as stockholders, their successors and assigns, are hereby created a body politic and corporate by the name of the "Janesville Gas Light Company," with perpetual succession, and by that name shall have all the privileges, franchises and immunities incident to a corporation; they shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places; they shall be capable in law of purchasing, holding, using, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary and proper for the construction, extension, management and usefulness, of the works of said company, and for the good government of the same; they may have a common seal and alter and change the same at pleasure. Incorporated.
Grant of powers.

Sec. 2. The capital stock of said company shall be one hundred thousand dollars, (100,000) in shares of one hundred dollars (\$100) each. The affairs of said company shall be managed by a board of five directors, who shall be chosen by ballot; and each share of stock shall be entitled to one vote, the votes to be delivered in person or by proxy, duly authorized; and for the purpose of electing the first directors, the persons named in the preceding section, or a majority of them, shall give ten days notice in each of the newspapers published in Janesville, of the time and place by them appointed for the subscribers or stockholders to meet for the purpose of electing directors, which directors shall appoint one of their number president, and annually thereafter on the first Monday of May, Capital stock.

Proviso. the stockholders shall meet for the election of directors as aforesaid: *Provided*, That none but stockholders shall be elected directors.

Powers of the Directors. **Sec. 3.** A majority of said board shall constitute a quorum for the transaction of business, they shall have power to appoint a secretary and treasurer, and such other officers and agents as may be deemed necessary; to make and prescribe such by-laws, rules, orders and regulations respecting the management, control and disposition of the stock, property and affairs of the company as they may deem proper, not inconsistent with the constitution and laws of the United States or this State; to make such covenants, contracts and agreements, with any person or persons, copartnership or body politic whatsoever, as the execution and management of the works, or the convenience and interest of the company, may require.

Powers of company. **Sec. 4.** The said company shall have power and full and conclusive authority to make, manufacture and sell gas, to be made from any and all substances or combination thereof, from which inflammable gas is obtained, for the purpose of lighting the city of Janesville, or the streets thereof, or of any buildings, public places or houses therein contained, and to erect all necessary works and apparatus therefor, and to lay pipes for the purpose of conducting the gas in any of the streets, avenues, commons, lanes or alleys in said city; *Provided*, That no permanent injury may be done to any street, highway, lane or alley in said village.

Proviso. **Sec. 5.** If the said corporation shall not within five years from the passage of this act, complete the construction of said gas works so far as to put the same in operation, then the rights, privileges and powers of said corporation, under this act shall cease and be null and void.

Condition of charter. **Sec. 6.** If from any cause an election for directors shall not be held at the time specified therefor, the corporation for that reason shall not be dissolved, but it shall be lawful on any other day to hold an election for directors as shall be provided for in the by-laws of said corporation, and until such election the directors of the preceding year shall continue to act, and all their doings shall be binding upon said corporation until their successors are elected.

In case of neglect to elect directors at the proper time. **Sec. 7.** If any person shall wilfully do or cause to be done any act or acts whatsoever, to injure any machine, pipe or structures whatsoever, or any thing appertaining to the works of said corporation, whereby the same may be stopped, obstructed or injured, the person or persons

Penalties for injuring machinery, &c.

offending shall be considered guilty of a misdemeanor and being thereof convicted shall be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding two years, or both; *Provided*, Such criminal prosecution shall not in anywise impair the right of said company for damages, by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of said corporation, in any court of the state having competent jurisdiction of the same. Proviso.

Sec. 8. The said corporation are hereby authorized and fully empowered in their corporate capacity to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and make and execute in their corporate name all necessary writings, notes, bonds or other papers, and make, execute and deliver such securities in amount and kind as may be deemed expedient by said corporation for all purposes, in carrying out the objects of this company; and the official acts of said company are hereby declared binding in law and equity upon said corporation, and upon all other parties to such contracts. May borrow money.

Sec. 9 This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof.

Sec. 10. This act to take effect from and after its passage.

Approved, July 12, 1853.

An Act to authorize Margaret Wood Simons to convey certain real estate therein named.

Chap. 379.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That it shall and may be lawful for Margaret Wood Simons, minor, of the age seventeen years of the town of Baraboo, Sauk county, to execute a deed of conveyance of any real estate of which she may be now seized, and every such deed of conveyance executed in accordance with law shall be as valid and effectual to pass the title thereto as if the said Margaret Wood were of full and lawful age.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, July 12, 1853.

An Act in addition to "An Act authorizing the city of Milwaukee to loan its credit in aid of certain Railroads.

Chap. 380.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Act extended.
Proviso.

SECTION 1. The provisions of an act entitled "an act authorizing the city of Milwaukee to loan its credit in aid of certain Railroads," approved April 2nd, A. D. 1853, are hereby extended, and shall include the Milwaukee and Watertown Railroad Company, and any other railroad company duly incorporated and organized, for the purpose of constructing railroads leading from the city of Milwaukee into the interior of the state, which in the opinion of the Common Council are entitled to aid from said city; *Provided*, That the amount of bonds which under this act and the act of which this is amendatory, shall be issued to aid in the construction of any one railroad, shall not exceed two hundred thousand dollars; and provided that the aggregate amount of bonds which shall be issued under said acts shall not exceed one million of dollars.

Condition of
issuing bonds.

Sec. 2. No bonds shall be issued or delivered to any railroad company until the question of granting the credit of the city in aid of the construction of such railroad shall have been first submitted to, and approved by the voters of the city of Milwaukee, in the manner provided in section eight of the act to which this is in addition, nor until all the other provisions of said act, relating to the securities to be given to said city, are fully complied with on the part of such railroad company.

Approved, July 12, 1853.

An Act to incorporate the Ladies Library Association in the town of Cassville and county of Grant.

Chap. 381.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Incorporated.
Seal.

SECTION 1. M. L. Sargent and J. A. J. Young, of the town of Cassville, in the county of Grant, their associates and successors, are hereby created a body corporate and politic, by the name of the "Ladies Library Association," and by that name to remain in perpetual succession for the purpose of establishing a library, and for providing other means to elevate the standard of female influence, and for that purpose shall have power to contract and be contracted with, sue and be sued, implead and be impleaded with, answer and be answered unto, in all courts of this

state, and shall be vested with all the powers and privileges necessary to carry out and fulfil the objects of their corporation.

Sec. 2. The said corporation shall have power to establish for its government a constitution and by-laws, not inconsistent with the constitution or laws of this State, which constitution may be amended by unanimous consent of the members of the corporation: to have and use a common seal, and alter the same at pleasure. May hold real estate.

Sec. 3. The said corporation shall have further power to hold in their corporate name personal and real estate, not exceeding in value five thousand dollars, which shall be devoted solely to the purposes and objects of the corporations, as set forth in the first section.

Approved, July 12, 1853.

An act to incorporate the Mississippi Mining and Manufacturing Company.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 382.

SECTION 1. That George R. Hazewell, Charles C. Bel- Incorporated.
lows, Levi Sterling, and their associates, successors and assigns, be and they are hereby created a body politic and corporate by the name and style of the Mississippi Mining and Manufacturing Company, and by that name shall have perpetual succession, and shall be competent to sue and be sued, in any court of equity or law whatever, to have and use a common seal, and to alter the same at pleasure, to establish and change any by-laws for the government of said company, to purchase, hold, and dispose of real estate, leases, mines, minerals, and personal property of what kind soever, to mine, smelt, work, manufacture and vend said minerals and products thereof, to create, dispose of, and issue such number of shares, of the stock of said company, at the representative par value thereof, as may be ordered by a vote of said company, to determine the par value of shares, and have the right to pay, in the stock of the corporation, for such mining rights and interests in real estate, as it may be deemed necessary to purchase for the prudent operation of the works of the company, and generally to have, enjoy, and exercise all rights and privileges incident to corporations. Grant of powers.

Sec. 2. That whenever said company shall become possessed of mines or mineral leases, situated in this State or elsewhere, a separate and distinct interest of each mine

or lease may be created, under some name, to distinguish the same, and in like manner may organize under and enjoy as a distinct branch interest, all the rights and privileges named in the first section of this act.

Sec. 3. That this act shall take effect from and after its passage.

Approved July 12, 1853.

Chap. 383.

An act to amend an act entitled an act to incorporate the Lake Hydraulic Company, approved April 5th, 1852.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Condition of charter.

SECTION 1. If the Lake Hydraulic Company shall not, within two years from and after the passage of this act, commence the construction of their works, and fully complete the same within three years from the commencement thereof, so far as to put them in successful operation, then the rights and privileges, and powers of said corporation shall cease and be null and void.

Repealed.

Sec. 2. Section six of the act to which this is amendatory is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after the common council of the city of Milwaukee shall file its assent to the same, by a resolution of said council, a copy whereof shall be filed in the office of the Secretary of State.

Approved July 12, 1853.

Chap. 384.

An act to appropriate to the Post Master at Madison a certain sum of money and to authorize the Secretary of State to audit the future account of said Post Master for postage.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Appropriation

SECTION 1. There is hereby appropriated to John N. Jones, Post Master at Madison, the sum of three hundred and twelve dollars and fifty-one cents, in full for postage of members of the Senate and Assembly from the fifth to the thirtieth of June, 1853, inclusive, to be paid out of the State treasury out of any money not otherwise appropriated.

Sec. 2. It shall be the duty of the Secretary of State to audit any further account for postage of said Post-Master, for the present session, and when so audited it shall be paid by the State Treasurer, on the order of the Secretary, out of any money not otherwise appropriated.

Secretary of state shall audit further account.

Sec. 3. This act shall take effect from and after its passage.

Approved July 12, 1853.

An act to amend Chapter 431 of the Session Laws of 1852, and the act amendatory thereto.

Chap. 385.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the commissioners named in the said acts of which this is amendatory, who have taken oath and given bond in pursuance of the provisions of said acts, or any three of said commissioners, in case the others shall resign, neglect, or refuse to serve, are hereby constituted a board of commissioners for the county of Manitowoc, and authorized and required as soon as convenient after the passage of this act, to levy a tax, not exceeding three cents on the dollar, upon the lands hereinafter mentioned, which lie in the aforesaid county, sufficient to pay all expenses incident to making and completing the road named in said acts through said county, and all expenses which may in any manner necessarily have been or be incurred by said commissioners in consequence of the passage of this or said previous acts.

Commissioners required to levy a tax.

Sec. 2. That said taxes shall be levied on the lands and village lots between Lake Michigan and the west line of said county of Manitowoc, which front on said road or which lie adjacent thereto, which in the opinion of said commissioners will be directly or materially benefited and enhanced in value by the improvement and completion of said road: *Provided*, that in case any other roads cross or run parallel or nearly parallel to the road so to be improved, said commissioners shall take into consideration the benefit which lands and lots will derive from the improvement of such other road or roads, and not assess any such lands as will in their opinion be more improved in value by the making any such crossing or parallel road; and in case of road or roads parallel or nearly so, shall only assess half way up to said road, or thereabouts, describing said lands nearest said other roads by the smallest legal subdivisions; and *Provided*, further,

Lands to be taxed.

Proviso.

that said commissioners shall in no case assess any lands situate more than three miles from said road, or thereabouts, describing the most remote lands by the smallest legal subdivisions, in order not materially to exceed the limit fixed by this act.

Assessment roll.

Sec. 3. As soon as convenient after the passage of this act, said commissioners shall cause an assessment roll to be made out, containing a list of the lands and lots upon which in pursuance of the provisions of this act they are authorized and required to levy the tax herein provided for, and assess said lands and levy, collect, and expend said taxes, and make return of delinquent land in a manner similar to that required by the provisions of said chapter four hundred and thirty-one.

Supposed illegal assessment.

Sec. 4. Said commissioners shall credit to the several lots or pieces of land described in said assessment roll respectively, the amounts paid as taxes upon said lots and lands purporting to have been assessed in pursuance of said chapter 431, which assessment is supposed to be illegal in consequence of said road not having been a legal highway, and may refund to any person or persons the taxes heretofore paid upon any lands or lots which may not be included in the assessment roll provided for in this act, or remit any unpaid tax upon any lands or lots which in their opinion ought not to have been assessed, and shall not be included in the roll herein provided for, if they deem it expedient; and in case any such supposed illegal tax shall be remitted or refunded, the amount so refunded or remitted shall be deducted from the aggregate amount of said supposed illegal tax.

Vacancies in board.

Sec. 5. The supervisors of the county aforesaid shall have power to fill any vacancy which may occur in said board of commissioners, when the number qualified to act shall be less than three, and an appeal shall lie in all cases from any order or decision of said board of commissioners to said board of supervisors, whenever any person shall consider himself aggrieved by the decision of said commissioners.

May assess lands in the village of Manitowoc.

Sec. 6. Said commissioners shall first complete said road from the village of Manitowoc to the Green Bay road, and nothing contained in this act shall be so construed as to prohibit said commissioners from assessing such lands and village lots in the said village of Manito-

woc as may in their opinion come within the scope of this act and receive the benefits thereby contemplated by the improvement of said road; and this act shall take effect from and after its passage.

Approved July 12, 1853.

An act to amend an act entitled an act to incorporate the Green Bay and Minnesota Railroad Company.

Chap. 386.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That section two of an act entitled an act to incorporate the Green Bay and Minnesota Railroad Company, approved March 7th, A. D. 1853, is hereby amended so as to read as follows: Amendment.

Sec. 2. The capital stock of said company shall be divided into forty thousand shares of one hundred dollars each, and as soon as one thousand shares of stock shall be subscribed, and five dollars on each share actually paid in, the subscribers of such stock with such other persons as shall become stockholders in conformity with the provisions of this act, their successors and assigns shall be and they are hereby declared and created a body corporate and politic, by the name and style of the Green Bay and Minnesota Railroad Company, and by that name shall have perpetual succession and shall have and enjoy all the privileges, franchises, and immunities incident to a corporation; they shall be capable in law of purchasing, holding, selling, leasing, and conveying estates, either real, personal or mixed, they may make have and use a common seal, and alter, break, or renew the same at pleasure, and by that name they may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, contract and be contracted with, and generally may do and perform all and singular the acts and matters which to any corporation it shall lawfully appertain to do and perform for the well being of said corporation.

Approved July 12, 1853.

An act to amend an act entitled an act to incorporate the Rock River Insurance Company, approved March 11, 1851.

Chap. 387.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the Rock River Insurance Company, incorporated by an act of the legislature of this

Name changed State, approved March 11th, 1851, is hereby changed to the American Insurance Company, and by that name and style shall be known in all courts and places whatever, and wherever the words "Rock River Insurance Company" occur in the said act, they shall be construed to mean the American Insurance Company, the same as if expressed in the said act.

Capital stock. Sec. 2. Section two of said act is hereby amended so as to read as follows: The capital stock of said company shall be two hundred thousand dollars, and shall be divided into shares of fifty dollars each, and there shall be paid into the treasury of said company by each subscriber to the capital, an instalment of five per cent on the stock by him subscribed, and the remainder to be paid or amply secured to be paid in such manner as the directors of said company shall deem sufficient, and until one thousand shares of said stock is subscribed for and paid, or secured to be paid as aforesaid, the said company shall not commence business. Section two of said act is hereby repealed.

Amendment. Sec. 3. Section five of the said act is hereby amended by adding the names of James Johnson, Patrick Rogan, James Cody, and John W. Cole to the list of commissioners named in said section, and the said commissioners herein named shall possess the same powers as if their names were inserted in section five of the said act of incorporation.

Approved July 12, 1853.

An Act to incorporate the Dodgeville, Mining and Manufacturing Company.

Chap. 388. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

Incorporated. SECTION 1. William E. Rome, Samuel Hoskins, Thomas Roberts, Nicholas Arthur, Benjamin Thomas, Henry Dunstane, B. F. Thomas, C. S. Nomie and George Messersmith, and such persons as may become associated with them, are hereby constituted a body politic and corporate, by the name and style of the Dodgeville Mining and Manufacturing Company, and by that name may sue and be sued, plead and be impleaded, and answer and be answered unto, in all courts of law and equity; may have a common seal, and alter the same at pleasure, and may enjoy all the privileges incident to a corporation for the purpose of Mining and Manufacturing.

Sec. 2. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty five dollars each, with the privilege of increasing the capital stock to one hundred thousand dollars; said shares to be assignable and transferable in such manner as the by-laws of the company may direct. Capital stock.

Sec. 3. The persons named in this act, or a majority of them, may cause books to be opened for subscriptions to the capital stock of said company, at such time and place as they may direct. Opening of books.

Sec. 4. Whenever one thousand dollars of the capital stock of said company shall be subscribed, it shall be the duty of the persons named in this act to call a meeting of the stockholders at such time and place as they shall designate, for the purpose of choosing five directors, and the persons then chosen shall be the first directors of said company, and shall hold their offices for one year, and until others are chosen in their stead. The board of directors shall choose one of their number as president of the company, who shall also hold his office for one year, and until his successor is elected. At any and every election of directors of said company, each stockholder shall be entitled to one vote for each share of capital stock he or she shall hold, and may vote in person or by proxy. First meeting.
President.

Sec. 5. The said company so organized shall have power to erect buildings and machinery for the purpose of mining and manufacturing, on any lands which they may own or lease in the town of Dodgeville, county of Iowa, and may sink shafts, run levels or aducts, extend connection rods over or through any street or highway in said town, doing thereto no unnecessary damage; said company shall also have power to enter upon and take, not to exceed ten feet in width, any land or lands they may deem necessary for the purpose of cuttings digging or making a drain or water course to or from any range or ranges of mineral or lead ore, under their charge or ownership, within the town of Dodgeville; also in like manner to extend connection rods; and in case of non-agreement between said company and any of the owners of said land, or if any of said land owners are absent from the state, the damages to said lands shall be ascertained and settled for as follows, to wit: The town board of supervisors of said town shall appoint three disinterested persons as commissioners, residents of said town, who (after being duly sworn to impartially discharge their duties) shall proceed to view and examine the land so taken or so required by said com- Buildings and machinery.
May enter on land.
Settlement for damages.

pany, and to estimate the damages sustained by the owners thereof, and report the same in writing to the town clerk, who shall file the said report in his office, and notify each party interested therein, either personally or by leaving a written copy of said report at his or her last place of residence; *Provided*, one or more members of his or her family are resident of said county at the time of serving such notice; otherwise, such notice shall be published in some newspaper of said county, three successive weeks, and said company shall pay all expenses hereby incurred, and also all damages assessed and estimated by said commissioners, within thirty days after serving the said notice—upon application therefor—but either party may appeal from the action of said commissioners to the county court within thirty days after receiving the above notice, where the matter may be tried as other issues are tried, otherwise the action of said commissioners shall be final and conclusive.

Person digging on lands drained by the company.

Sec. 6. No person or persons shall dig or mine for any lead or other ore in any grounds from which said company may have drained or removed the water, without paying such reasonable charges to said company for damage as may be agreed upon between the company and the party or parties, such charges, however, shall in no case exceed the one fifth part of all minerals by such person or persons, unless there be a written contract to the contrary.

Sec. 7. Any person who shall wilfully obstruct or in any way damage any of the works of said company, shall be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, at the discretion of the court.

Sec. 8. This act shall take effect from and after its passage.

Approved, July 12, 1853.

Chap. 389.

An Act to amend an act entitled "An Act to incorporate the Taychedah and Green Bay Plank Road Company." Approved, April 19, 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Additional commissioners.

SECTION 1. Section one of the act entitled "an act to incorporate the Taychedah and Green Bay Plank Road Company," approved April 16, 1852, is and the same is hereby amended, by inserting after the name of John B. Macy, in said section, the following names: George Keyes, Robert Flint, Benjamin F. Smith, Lemuel Bishop, Charles

W. Whinfield, G. W. Weikert, W. H. Walker, which named persons are hereby appointed additional commissioners in said company, with power to act with the commissioners heretofore appointed, and with the same rights, powers and privileges which have been conferred by said charter on said original commissioners.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved, July 12, 1853.

An Act to incorporate the Waupun Union School.

Chap. 390.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the village of East Waupun, now known as Joint School District number one, in the towns of Waupun and Chester, in the counties of Fond du Lac and Dodge, be and the same is hereby formed into a Union District to be called the Waupun Union School and shall consist of the following territory: The west half of section four, all of section five, excepting the west half of the west half of both, the north-west and south-west quarters of said section lying in said town of Chester, and also the east half of sections twenty-nine and thirty-two, and the east half of the west half of the same sections, also the west half of the west half of sections twenty-eight and thirty-three, lying in said town of Waupun; *Provided*, That the School Superintendants of said towns may alter the boundaries of said district in the manner provided by law for the alterations of school districts.

Sec. 2. The Waupun Union School shall, when lawfully organized, be a corporate body, with perpetual succession, and shall possess all the powers and receive all the benefits, and enjoy all the rights and privileges conferred by law upon common school districts, and in addition thereto the qualified voters when lawfully assembled shall have the power—first, to elect annually by ballot, three directors, one clerk, and one treasurer, who shall constitute the board of said district; second, to authorize the school board to borrow upon the faith and credit thereof such sums of money, not exceeding two thousand dollars, upon such terms and for such length of time as the said directors may determine, and to renew said loan from time to time, and to issue the bonds or other obligations of the said district therefor.

Special meeting to organize.

Sec. 3. Within thirty days after the receiving notice of the passage of this act, it shall be the duty of the clerk of Joint School District number one, of Waupun and Chester, to call by giving due notice thereof, a special meeting to organize under this act, and the officers then chosen shall hold their office for one year from the last Monday in September following, and they shall as soon as elected have control and dispose of all the district property, and may purchase such a site and erect such a building for school purposes upon the same, as the qualified voters at any lawful meeting shall direct, but the present officers shall discharge all the other duties of the district officers until the expiration of their term of office, after which the new board shall have the entire control.

Contracts to be signed by a majority of the board.

Sec. 4. All contracts shall be in the name of the Waupun Union School, and to be binding or valid shall be signed by or receive the sanction of a majority of the school board. Orders on the treasurer shall be signed by the clerk and two directors.

Taxable property holden den.

Sec. 5. Should a loan be prefected by the board of said Union School, under the provisions of this act, all the taxable property thereof, and all that may thereafter be added or annexed to said district, shall be holden for the faithful payment of the interest and principal of the money loaned, and it shall be the duty of the school board to assess and collect (should there not be a sufficient amount of funds on hand) in the manner provided by law for the collection of school district taxes, without a vote of said district, a tax sufficient to pay the interest or principal according to the condition of such loan.

Sec. 6. This act shall take effect from and after its passage.

Approved, July 12, 1853.

Chap. 391. An Act to amend an act to authorize the city of Milwaukee to construct a Canal from the Milwaukee river to River Street, in the fifth ward of said city, and to levy a special tax to pay for the same, approved March 19, 1853.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Special tax.

SECTION 1. The act to authorize the city of Milwaukee to construct a canal from the Milwaukee river to River street, in the fifth ward of said city, and to levy a special tax to pay for the same, approved March 19th, 1853, is hereby so amended as to authorize the said city to construct

such canal from the said river to river street or any point east of the same, commencing at any point on said river between Virginia and Elizabeth streets, in said ward, which may be selected by the aldermen of said ward, and the said canal may be of any width not less than seventy nor more than two hundred feet; *Provided*, however, that said canal shall follow the course of a street, or of the alleys running east and west, and that the line running through the middle of the canal, from east to west, shall coincide with the line running through the centre of the street or of the alleys; and the cost of constructing such canal shall be levied on the lots adjacent to the same, and the damage which may accrue from the taking of any land, or street, or alley, for that purpose, shall be apportioned upon the several lots benefitted by the construction of such canal, including as well lots in the neighborhood of such canal as those immediately adjacent thereto.

Approved, July 12, 1853.

An Act to authorize the people of Kenosha county to vote on the question of loaning their credit in aid of the Kenosha and Beloit Railroad, and providing for issuing bonds therefor.

Chap. 392.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Kenosha are hereby authorized to loan the credit of said county by issuing its bonds to aid in the construction of the Kenosha and Beloit Railroad, to an amount equal to, and not exceeding, the sum of one hundred thousand dollars; which said bonds shall be issued for a term of time not exceeding twenty years, and at a rate of interest not exceeding seven per cent. per annum, payable, both interest and principal, at such place as may be agreed upon between the contracting parties, and which bonds shall be signed by the chairman of said board of supervisors, and countersigned by the clerk of the board.

Sec. 2. Before the issue to any such railroad company, of any bonds mentioned in the first section of this act, such railroad company shall execute to the treasurer of said company, for the use and benefit thereof, the bonds of said company, duly executed, to an amount equal to the amount issued by the county, running for the same period of time, drawing the same interest, and payable at such place as may be agreed upon between the parties.

Sec. 3. To secure the performance of the covenants

Company to execute bonds

**Mortgage on
the road.**

and conditions of the bonds last mentioned in the preceding section, such company shall at the same time execute and deliver to the treasurer of said county for the use and benefit thereof, a mortgage, executed in due form of law, covering not less than ten nor more than twenty miles of said road in length, which mortgage shall convey such portion of such railroad, its equipments, real estate, personal property and franchises, as well thereafter to be acquired and constructed as that already acquired or constructed, and shall contain therein covenants of warranty of title thereto, and shall be the second mortgage or lien upon said property, subject only to a first and prior mortgage of the same property, for a sum not exceeding ten thousand dollars per mile, for every mile of road embraced therein, to be ascertained by dividing the aggregate amount of the par value of the bonds secured by such prior mortgage, by the number of miles of the road embraced in the same.

Limitations.

Sec. 4. No county bonds shall be delivered to said railroad company until at least five miles of that portion of said road mortgaged to said county shall have been completed, ready for putting down the rails on the same, by such company; nor thereafter shall they be delivered faster than the work of construction, as above mentioned. of such portion of said road shall progress; nor shall there at any time be delivered to such company more than five thousand dollars in value for every mile of such portion of said road thus constructed; but such bonds may issue, provided other equivalent securities shall be furnished therefor or in lieu thereof.

Faith of county pledged.

Sec. 5. The faith of the county of Kenosha is hereby irrevocably pledged for the full and punctual payment of the principal and interest of every such bond, which shall be issued in pursuance of the first section of this act, and the supervisors of the county of Kenosha shall have the power to provide for the payment of the whole or any part of said principal and interest; and it shall be their duty to provide for the payment of any portion thereof, which shall not be paid or provided for by said railroad company, by levying and collecting from time to time, such special tax or taxes, on the real and personal property in said county liable to taxation, as may be sufficient to pay and discharge the same, which taxes shall be levied and collected in the same manner as other county taxes.

Sec. 6. Before the issuing of any such county bonds, and any time after the passing and taking effect of this

act, the clerk of the board of supervisors of said county shall publish or cause to be published, in the same manner that notices of general or special elections are required by law to be published, a notice of an election to be held by the legal voters of said county, at the usual place of holding elections in said county, and at such time as he may designate, which shall not be less than twenty nor more than sixty days from the date of such notice; which notice shall embrace a certified copy of this act, and shall call upon the voters to deposit a ballot upon which shall be written or printed the words "for the railroad," or the words "against the railroad," or other words of similar import.

Notice of election.

Sec. 7. Such election shall be held and conducted in the same manner that other general elections in said county are required by law to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the vote at any general election; and the canvassers shall make, certify, sign and deposit with the clerk of said county, a statement of the whole number of votes cast upon the question, as well as a statement of the number for the railroad, and of the number against the railroad.

Elections, how and when held

Sec. 8. Should the official return of said election indicate that a majority of the electors of said county had voted in favor of the railroad, then it shall be lawful for said railroad company, through their proper officers, to receive of said county authorities the bonds required by this act to be issued; said company tendering their own bonds as herein provided, in equal amounts therefor, and complying or having complied in other respects with the requirements of this act.

Sec. 9. This act shall not extend to nor impose any liability upon either of the towns of Wheatland, Paris, Bristol, Salem or Brighton, in said county of Kenosha, or upon any of the inhabitants of said towns, nor shall any tax, general or special, be laid or assessed, upon any property in either of said town, at any time for the payment of the principal or interest of any bond or bonds which may be issued in pursuance of this act, nor shall the said towns, or the property therein situated, either real or personal, be in any manner whatsoever liable for or chargeable with the payment of any portion of the principal or interest of any bonds which may be issued in pursuance of this act.

Sec. 10. This act is hereby declared to be a public ac

and as such shall be construed favorably in all courts of law and equity, and copies thereof printed by authority of this state shall be received as evidence thereof in all cases.

Sec. 11. This act shall take effect from and after its passage.

Approved July 12, 1853.

An Act to incorporate the Wisconsin Engine, and Agricultural Implement Manufacturing Company.

Chap. 393.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Incorporated. SECTION 1. John M. May, Lucius S. May, and Oliver S. Powell, together with such other persons as may become associated with them, under this charter, and their successors and assigns, are hereby constituted a body corporate and politic by the name and style of "the Wisconsin Engine and Agricultural Implement Manufacturing Company," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended in all courts of law and equity in all manner of actions, suits, complaints, matters and causes whatsoever, and may have a common seal, and break and alter the same at pleasure, and by the same name, shall be capable of purchasing, holding and conveying any real estate, or personal property for the use and benefit of said corporation.

Capital stock. Sec. 2. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be deemed personal property, and may be transferred in such manner as the by-laws of the company shall direct.

Object and powers of the company: Sec. 3. Said corporation shall have power to manufacture locomotive, hydraulic, fire engines, and such other engines and machinery as they may deem proper, also, plows, reaping machines, mowing machines, cultivators, and such other tools and implements of agriculture and horticulture as they may deem proper, and also presses, shears, lathes, and other machinery used in manufacturing said engines, implements and machinery as they shall deem proper, and to sell and dispose of the same at pleasure; may erect buildings and machinery for such manufacturing purposes, to be moved by steam or other power on any lands in the village of Janesville, which may hereafter be owned by said company; may in their corporate

capacity and name, make and execute to any person or persons or body corporate or politic, any and all writings, notes, bonds, mortgages, on real or personal property be, long to said company in the due prosecution of their business, or as security for the loan of money borrowed by, or due from said company to any person or persons, or body corporate, all of which said company is authorized to do, any law of this State to the contrary notwithstanding, but this section shall not be so construed as to confer banking powers upon said corporation.

Sec. 4. The property and affairs of said company shall be managed and conducted by a board of not less than three, nor more than nine directors, who shall be elected annually, and who shall respectively be stockholders in said corporation, and who shall be elected as aforesaid, by the stockholders, at such time and place as shall be directed by the by-laws of the corporation, each share of stock being entitled to one vote and may be cast by the holder thereof, or by proxy duly authorized. All such elections shall be by ballot, and the persons receiving the majority of votes cast shall be directors, and when any vacancy shall happen from any cause, it shall be filled for the remainder of the year in such manner as shall be provided for by the by-laws of the said corporation. The number of members and how many shall constitute a quorum for the transaction of business, shall be determined by said by-laws. Directors.

Sec. 5. The said directors shall annually after their election, elect one of their number President, whose duty it shall be to preside at the meetings of the board, and in case of his absence at any meeting, the directors present may elect a president pro tem. The directors shall have power to make and prescribe such by-laws, rules and regulations respecting the management of the property, concerns, business, and stock of said corporation as they may deem expedient and proper. All meetings for the transaction of business for the corporation, shall be held at their office, which shall be located in the village of Janesville, and the manner and times for calling meetings shall be prescribed by the by-laws of said company. The directors shall have power to appoint a treasurer and secretary, and such other officers as may be required by the business of said company, and may remove the same at pleasure, and fix the compensation of, and define the duties of all officers. They shall have power to decide the time, manner and proportions in which the stockhold- President.
By-laws and regulations.

Powers of
directors.

ors shall pay the money due, (or an equivalent therefor) on their respective shares, and make such rules respecting the forfeiture of stock and shares as they may deem advisable. They shall also have power to appoint a time certain each year for the election of directors, but such election shall always be held at the office of said company, upon due notice to the stockholders of not less than thirty days before such election: *Provided*, That if for any cause such election shall not be held at the time appointed, the same may be held at any time, upon a like notice being given to the stockholders, and the directors of the preceding year shall in all cases continue to act until the election of their successors in office.

Books when
opened.

Sec. 6. Books for subscriptions to the capital stock of said company, shall be opened at the Merchants Hotel in the village of Janesville, on the first Monday of November next, under the inspection of the said John M. May, Lucius S. May, and Oliver S. Powell, or two of them, who may keep said books open from day to day, until at least twenty thousand dollars of said stock be subscribed for, when the said John M. May, Lucius S. May, and Oliver S. Powell, or two of them, may deliver to such subscribers said book, and the said subscribers shall then proceed to elect the board of directors as herein provided for, and such directors, when so elected, shall, at their first meeting, determine the amount of capital of said corporation, which shall in no case exceed one hundred and fifty thousand dollars, and if such capital shall be fixed at any sum less than the last named amount, the same may at any time thereafter, be increased by a two-third vote of the said directors, at a regular meeting thereof, to any amount not in the whole exceeding the said sum of one hundred and fifty thousand dollars.

First election
of directors.

Sec. 7. This act shall take effect and be in force, from and after its passage.

Approved, July 12, 1853.

Chap. 394.

An Act to appropriate to David Atwood and Beriah Brown the sum of money therein named.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Secretary of State is authorized and directed to audit the account of the State printer, for work done and charged, subsequent to the bill rendered by said State Printer, on the 31st day of March last, on the basis of the contract on file in his office.

Sec. 2. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, a sum sufficient to meet the amount so found due by the Secretary of State, which shall be paid by the Treasurer on the presentation of the proper voucher from said Secretary.

Approved July 12, 1853.

An Act to authorize the several towns therein named, to vote on the question of loaning their credit in aid of a certain Railroad.

Chap. 395.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the several boards of supervisors of the towns of Bristol, Salem, Wheatland, Brighton, and Paris, in the county of Kenosha, are hereby authorized to issue the bonds of their respective towns, in the sum of ten thousand dollars each, to the Kenosha and Beloit Railroad company, payable within twenty years, with interest at the rate of seven per cent. per annum, payable in the city of New York, or such other place as shall be agreed upon between the parties.

May issue bonds.

Sec. 2. No bonds shall be issued under the provisions of this act, until the said railroad company shall have given security to the satisfaction of the board of supervisors of the towns so issuing the same, conditioned that the company shall pay the interest annually on said bonds so issued, and the principal when due, and save harmless said towns from the payment of any interest or principal on said bonds.

County to give security.

Sec. 3. No bonds shall be issued in pursuance of this act, until a majority of the legal voters of said towns, voting upon said question, shall have voted in favor of the same, at an election called by the town clerk of the respective towns hereinbefore mentioned, as hereinafter provided.

Condition of issuing bonds.

Sec. 4. The election organized by the preceeding section of this act, shall be called by said town clerk, whenever twenty legal voters of the town shall petition him in writing, to call such election. The town clerk shall post notices of such election, in at least three conspicuous places in his town, within ten days after receiving said petition, giving twenty days notice of such election. Such notice shall set forth clearly the object of said election, and no more than one election in any town shall be called or held in pursuance of this act.

Election.

Style of ballot. Sec. 5. Said elections shall be held at the usual place of holding elections in the respective towns, and the voters voting at said election, shall deposit a ballot containing the words, "for the railroad," or "against the Railroad." Said elections shall be conducted, and the result thereof, canvassed in the same manner as the annual town meetings are by law conducted, and the result canvassed, and the returns thereof, made by the board of supervisors under their hands, shall be recorded on the record book of the town, which record, when attested by the town clerk, shall be received as legal evidence of the result of such election.

Sec. 6. The bonds issued under the provisions of this act, shall be signed by the chairman of the board of supervisors of the town so issuing the same, and attested by the town clerk, and a copy of the same recorded in the record book of said town.

Sec. 7. This act shall take effect from and after its passage.

Approved, July 12, 1853.

chap. 396. An Act to provide for the receiving and distribution of the report of the trial of Impeachment of Levi Hubbell, Judge &c., and for paying the expenses thereof.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Compensation. SECTION 1. The Secretary of State is hereby authorized to receive from the State Printer, for the use of the Senate; two thousand copies of the report of the proceedings on the trial of the impeachment of Levi Hubbell, Judge of the Second Judicial Circuit of the State of Wisconsin, and to forward the same by mail, in equal proportions, to the several senators, the president of the senate, and the chief and assistant clerk, and sergeant-at-arms, and two hundred copies for distribution among the states; *Provided*, That the cost thereof shall not exceed the sum of ten cents for each hundred pages, and each fraction of an hundred contained therein.

Sec. 2. The Secretary of State shall audit the account therefor, and certify the amount to the Treasurer, who shall pay the same out of any moneys not otherwise appropriated; and a sufficient amount is hereby appropriated for that purpose.

Approved, July 12, 1853.

An Act for the relief of Samuel Roberts and Asa A. Parker.

The people of the State of Wisconsin, represented in Chap. 397.
Senate and Assembly, do enact as follows:

SECTION 1. The Commissioners of School and University lands are hereby authorized and required to issue unto Samuel Roberts a duplicate certificate of lot number two of University lands, containing forty acres, situated in the north-west quarter of the north-east quarter of section number thirty-two, township twenty, north of range number seventeen, east of the fourth principal meridian, at the rate of four dollars per acre, whenever the said Samuel Roberts shall make application for the same; *Provided*, such application shall be made on or before the first day of November next.

Sec. 2. The Commissioners of School and University lands are hereby authorized and required to issue unto Asa A. Parker a duplicate certificate of lot number three of University land, in township number twenty, north of range number seventeen, east, in the north-east quarter of section number thirty-two, as appears from the plats of said land now of record in the office of the Secretary of State, containing forty acres, at the rate of four dollars per acre, whenever the said Asa A. Parker shall make application for the same; *Provided*, That such application shall be made on or before the first day of November next.

Sec. 3. Whenever application shall be made as provided in the two preceding sections of this act, it shall be the duty of the said commissioners to cancel the certificates of sale heretofore issued for said lands, and credit the interest already paid thereon respectively as interest paid on said land, at the price of four dollars per acre, dating from the time of the original purchase.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved July 12, 1853.

An act to incorporate the Columbus and Madison Plank Road Company. Chap. 398.

The People of the State of Wisconsin, represented in
Senate and Assembly, do enact as follows:

SECTION 1. George Griswold, A. P. Birdsey, J. T. Lewis, J. C. Axtel, F. F. Farnham, N. B. Van Slyck, Peter L. Mohr, B. F. Hopkins, William Dudley, L. P. Drake, and E. W. Keyes, be and they are hereby appoint

ed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Columbus and Madison Plank Road Company hereby incorporated, and they may cause books to be opened at such times and places as they or a majority of them shall direct, to receive subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscription, by publishing the same in one or more newspapers published in Dane or Columbia county.

Capital stock. Sec. 2. The capital stock of said company shall be fifty thousand dollars, in shares of ten dollars each, and as soon as five hundred shares of said stock shall have been subscribed and five per cent thereof paid in, or secured to be paid in to the said company, the subscribers of said stock, with such others as may thereafter associate with them for that purpose, their successors and assigns, shall be and they are hereby declared a body corporate and politic, by the name and style of the Columbus and Madison Plank Road Company, with perpetual succession, and by that name shall be capable of purchasing, holding, selling, bargaining, and conveying estate, real, personal and mixed, and in their corporate name may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and generally may do all and singular the matters and things an incorporated company may by law do.

Incorporated.

First meeting. Sec. 3. The said commissioners or a majority of them, after said five hundred shares of stock shall have been subscribed as aforesaid, shall give at least twenty days notice in one or more of the newspapers published in Columbia or Dane counties, as aforesaid, of the time and place of the meeting of the stockholders for the purpose of electing five directors, who shall hold their office until their successors are elected and qualified; and annually thereafter upon the anniversary of the first election, upon notice of the place of meeting being given as aforesaid, the said stockholders shall meet to elect directors: *Provided*, That until the first election of directors, the said commissioners above named, or a majority of them, upon the subscription of five hundred shares of stock and the organization of said commissioners by choosing one of their number President, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be complete, as if

Provided.

an election of directors had been held, and in case of a vacancy at any time happening in the board of directors or in said board of commissioners acting as directors, the board shall have power to fill such vacancy.

Sec. 4. The affairs of the said company shall be managed by the said directors, who shall be stockholders, and be chosen by ballot by the stockholders, in person or by their proxies duly authorized, and in all elections and discussions of all questions acted upon at meetings of the stockholders, each share of stock shall be entitled to one vote, and a majority of the votes cast shall govern, except in elections when the five persons having the greatest number of votes cast shall be declared duly elected.

Election of directors.

Sec. 5. A majority of said directors shall constitute a quorum for the transaction of business, and shall organize by choosing one of their number President, and they shall have power to appoint a Secretary and Treasurer and such other officers and agents as they shall see fit, and to remove the same at pleasure, they shall also have power to make all necessary by-laws and regulations for the management of the affairs of said company. The subscription of stock, the payment of instalments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws, not inconsistent with the constitution and laws of this State, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company and all persons interested therein, as if the same formed a part of this act of incorporation.

Quorum.

Powers of directors.

Sec. 6. The said directors shall have power to decide the time and manner in which the said stockholders shall pay instalments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon for failure to pay such instalments as may be called for, and also to accept in behalf of the company a relinquishment of any stock, and subscribe and execute to the person releasing the same valid releases discharging them from all liability thereafter for or on account of the acts of said company or its officers.

Further powers.

Sec. 7. The said directors shall have power to regulate tolls and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution and management of the work and the convenience and interest of said company require, and may issue to each stockholder a certificate or certificates for the shares of stock which he, she, or they

may subscribe for, stating in the body of such certificate or certificates the amount paid on such share or shares at the time of issuing such certificate or certificates, which certificate or certificates shall be signed by the President and countersigned by the Secretary of the company; said certificates to be transferable as prescribed by the by-laws of the company.

Route.

Sec. 8. The said company shall have power to locate and construct a single or double track road from the village of Madison, in Dane county, to the village of Columbus, in Columbia county, upon the most direct and feasible route, which shall be determined by a majority of the directors. The track or tracks of said road shall be constructed of plank, stone, or gravel, or either in whole or in part each, at the option of the said majority of directors, so that the same, when complete, shall constitute a firm, regular, and proper surface for the passage of carriages.

May enter upon land.

Sec. 9. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying, and locating the route of said road, doing thereto no unnecessary damage, and when said route shall be determined by said company, it shall be lawful for them, their officers, engineers, contractors, and laborers, at any time to enter upon, take possession, and use such lands, not exceeding six rods in width along the line of said route, subject, however, to the payment of such compensation as the company may have to pay therefor, or as will be ascertained in the manner hereinafter prescribed: *Provided*, that in such places as may be necessary for the company to obtain and gravel or stone or other material for the construction of said road, the company may go beyond the aforesaid limits as far as it is necessary for the procuring of the same, doing no unnecessary damage, and making a proper compensation therefor.

Proviso.

Settlement for damages.

Sec. 10. When the said corporation shall not agree with the owner or owners of any land, gravel, or stone, or other material required for the construction of said road, or when by the reason of the absence or legal incapacity of such owner or owners no such agreement or purchase can be made, then and in any such case it shall be lawful for any Justice of the Peace, by request of the company, to issue a warrant, directed to the Sheriff or any constable of the county in which the land, gravel, stone, or other material is situated, not directly interested, requiring him to summon a jury of nine freeholders of his said county

not interested in said property or road, to meet the said Justice at or near the property to be valued, at a day in said warrant named, not less than five nor more than ten days from the date of said warrant; and if, at the time and place named, any of the persons so summoned do not attend, the said Sheriff or constable shall immediately summon so many as may be necessary to supply said deficiency, and from them the said company and the owner or owners of property to be valued, their agent or attorney, or either of them, and if they are not present personally or by attorney, the Sheriff or constable shall for him, her, or them, strike each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said Justice of Peace shall administer to them an oath or affirmation that they will faithfully and impartially value the lands or material required for such road and all damages which the owner or owners shall sustain by reason of the taking of such lands or materials, after taking into consideration the advantages and benefits that the construction will be to said owner or owners, according to the best of his skill and judgment; whereupon the said Justice and jurors shall proceed to examine the land or material so required and to hear the evidence of the respective parties, which the said Justice shall reduce to writing and sign, and the said jurors, after examining and hearing the testimony, shall make up a verdict of the amount of damage, if any, over and above benefits conferred, and sign the same, or a majority of them, which shall be certified to and signed by said Justice, who, within five days thereafter, shall transmit the same to the clerk of the circuit court of the said county, who shall file the same. Such inquisition shall describe the land or property so taken and the value thereof as aforesaid, and the valuation or amount so found, together with the costs of this inquisition, provided that said award is a larger sum than was previously tendered to the said owner or owners by said company, when paid or tendered to the said owner or owners, or deposited with the said clerk of the circuit court, shall entitle the said company to the estate and interest in the same thus valued as if it had been conveyed by the owner or owners thereof, so long as the property so taken shall be used for the purposes of a road. But if the amount awarded by said jurors shall in any case be a less sum or no greater than had been previously tendered by the said company to the said owner or owners, then and in all such cases the costs

Provide.

of such inquisition shall be paid by the said owner or owners, and the said company shall in all such cases be entitled to such property by paying merely the amount of such award: *Provided*, that it shall not be lawful for any such Justice or jurors to proceed in the examination or award of any such damages in the absence of the owner or owners thereof, his, her, or their agent or agents, unless it be made to appear by affidavit that such owner or owners have had at least five days notice of the time and place of such meeting for the purpose of making such valuation, or unless it shall in like manner be shown that such owner or owners are under age or non compos mentis, in which case such service of notice may be made upon them under the same restrictions as in the case of owners, or if there be no guardians nor trustees, the same shall be established by affidavit: *Provided*, that no material shall be taken for the construction of said road if said jury shall decide that the same is necessary for the use of the owner or owners thereof: *Provided* further, that any party conceiving himself aggrieved by any decision made as aforesaid, may in any such case appeal from such decision to the circuit court of said county, being liable for the costs of such appeal unless said court shall award him a larger sum in damages than said jurors.

**May build
along or upon
other high-
ways.**

Provide.

**Agreement to
be filed.**

Sec. 11. The directors shall have power in their discretion to construct said plank or gravel road along or upon any road or highway now or hereafter to be established by the proper authorities, and of such width and in such manner as the said directors shall determine: *Provided*, they first procure by agreement with the supervisors of any town the right to take and use any part of any public highway in such town for the construction of such proposed road, and agree with such supervisors upon the amount of compensation to be paid for such privilege by said company. Every such agreement with said supervisors shall be in writing, and shall be filed a copy of it in the town clerk's office of the town, and any compensation paid for such right to take and use any such highway by said company shall be applied by said supervisors to the construction and repair of the roads of said town; and the said company may erect toll gates and collect tolls of any person traveling upon their road, whenever four consecutive miles are finished, and as often thereafter as four additional consecutive miles shall be formed on any part of said road. Said toll shall not exceed the sum of two cents per mile for vehicles drawn by two animals, and if drawn

by additional animals one cent per mile additional may be charged; for every vehicle drawn by one animal, one cent may be charged; and for every horse and rider or led animal, one cent per mile; for one score of sheep or swine, one cent per mile; and for every score of neat cattle, four cents per mile; and for articles not enumerated at similar rates: *Provided*, that persons going to or returning from military parade, or going to or returning from funerals, or going to or returning from church on the sabbath, shall be exempt from toll. The toll gatherer at each gate, when erected on this road in conformity with this act, may detain and prevent from passing any animal or carriage subject to toll until the toll thereon is paid.

Toll regulations.

Provide.

Sec. 12. The said directors may receive from any stockholders in said company, in lieu of money, for the stock subscribed by him, real or personal security to be approved by said board of directors, and upon the acceptance of such security from said stockholders, or any of them, the subscription of such stockholders shall be considered as paid, and certificates of stock shall be issued to the said stockholders in the same manner as if he had paid the full amount in money, and it shall be competent for the said stockholders paying their subscription in securities as aforesaid to contract and pay to said company interest at such rate as may be agreed upon.

Security for stock subscribed.

Sec. 13. Any person who shall wilfully break down or injure any gate or fixture, or in any other way intentionally injure the property of said corporation, shall be liable for every such offence in a suit of trespass for damages, in any court having competent jurisdiction in the county where the offence is committed, and shall also be liable and subject to indictment, and upon conviction shall be punished by fine or imprisonment, at the discretion of the court.

Penalty for injuring gates, &c.

Sec. 14. Any person or persons who shall forcibly or fraudulently pass any such gate without having paid the legal toll, or to avoid the payment of the legal toll, shall with his team or carriage or animal turn out of said road, or pass any gate thereon or grounds thereto adjacent and again return on to said road, shall for each offence of this nature forfeit and pay to the said company the sum of ten dollars and costs of suit, and also be liable for all damages done said company, in an action of trespass.

For evading toll.

Sec. 15. The directors of said company, at any annual or special meetings of the stockholders, with the consent of a majority of them in amount of stock, may provide for

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Increase of
stock.

such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

Sec. 16. This act shall be and is hereby declared to be a public act, and copies thereof printed by authority of the State shall be received as evidence in the courts of this State. The foregoing act shall be in force from and after its passage.

Approved July 12, 1853.

Chap. 399.

An act authorizing the village of Geneva to aid in the construction of a Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Empowered to
issue bonds.

SECTION 1. That the President and board of trustees of the village of Geneva be and are hereby authorized and empowered to issue the corporate bonds of said village to any railroad company the said President and board trustees may determine, for the payment of a sum not exceeding twenty-five thousand dollars, such bonds shall be transferable either by endorsement or delivery, and shall be made payable at a period not exceeding twenty years, with interest payable annually at such place as shall be fixed by said President and trustees, at a rate not exceeding seven per centum per annum.

Security.

Sec. 2. Upon the execution and delivery of the bonds mentioned in the preceding section, the said railroad company shall execute to the village of Geneva a bond secured by mortgage upon the railroad of said company, together with its lands, tenements, equipments and appurtenances, or such part thereof as shall be agreed upon, which bond and mortgage shall correspond in amount and terms of payment with the village bond to be issued by the President and trustees of the village of Geneva in pursuance of this act. The bond and mortgage so executed by said railroad company shall be subject to such other lien or mortgage as may be executed by said railroad company for an amount not exceeding one half of the cost of said railroad, its equipments and appurtenances, and which shall constitute a first lien upon said railroad, its equipments and appurtenances, without regard to the priority of date or record of the same.

Sec. 3. The bond and mortgage executed by said railroad company to said village of Geneva, and the interest thereon, as well as the faith and credit of said village are hereby irrevocably pledged for the payment of the interest and principal of said village bonds issued in pursuance of the first section of this act, and the President and trustees of said village, whenever necessary, shall levy a tax upon the taxable property of said village sufficient, with the interest received from said railroad company upon its bonds and mortgage, to pay the interest upon said village bonds as the same shall fall due.

Faith of the village pledged for payment of principal and interest.

Sec. 4. No such bonds shall be issued under the provisions of this act, unless a majority of the legal voters of said village, voting upon said question at an election called for that purpose, shall vote in favor thereof; at such election those voting in favor shall vote a ballot containing the words "For the Railroad," and those voting against shall vote a ballot containing the words "Against the Railroad." Notice time and place of holding such election shall be given by posting up at least three notices, in the most public places in said village, for at least ten days previous to holding such election, and said election shall be conducted and the votes canvassed in the same manner as at other village elections.

Style of ballots

Sec. 5. This act shall take effect from and after its passage.

Approved July 13, 1853.

An Act to amend an act, entitled, "An Act to amend An Act, entitled, 'An Act to incorporate the Neenah and Manitowoc Plank Road Company.'"

Chap. 400.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of an act, entitled "an act to amend an act, entitled, 'an act to incorporate the Neenah and Manitowoc Plank Road Company,'" approved, Feb. 4, 1853, is hereby so amended as to read as follows:

SECTION 1. The name and style of the said company, is hereby changed from the Neenah and Manitowoc Plank Road Company, to the Menasha and Manitowoc Plank Road Company, and the name and style of said Company shall be known in law as the Menasha and Manitowoc Plank Road Company.

Sec. 2. This act shall take effect from and after its passage.

Approved, July 13, 1853.

An Act to incorporate the Anglo German Academy, in the City of Milwaukee.

Chap. 401.

The People of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Incorporated. SECTION 1. Henry Nicdeker, Christian Proen ser, Chas. Geissberg, Matthew Stein, Daniel Schulz, Charles E. Wendt, Claus H. Heide, Jacob Obermann, Henry G. Post, C. H. H. Papendiek, Peter Englemann, Gustav Pfeil, and their associates, together with such other persons as may hereafter be associated with them, be and are hereby created a body corporate and politic, with perpetual succession, to be styled by the name and title of Anglo German Academy, by which name, they and their successors shall be ever known, and shall have power to sue and be sued, to contract and to be contracted with, to plead and be impleaded, to defend and be defended, in all courts of law and equity.

Seal. Sec. 2. Said corporation shall have a common seal, and shall have power to acquire, purchase, receive, possess, hold and enjoy property, real and personal, and to sell and convey the same, to rent, or otherwise lawfully dispose of the same at pleasure.

Stock how divided. Sec. 3. The stock of said corporation shall be divided into shares of ten dollars each, which shall be deemed personal property, and shall be transferrable on the books of the said corporation, in such manner as shall be directed by the by-laws of said corporation. Said shares of ten dollars may be paid in such instalments, as the by-laws of said corporation will direct, but no member shall be entitled to a vote unless his share will have been fully paid in.

Calling meetings. Sec. 4. Any three of the above named persons shall have power to call a meeting of said association, by giving ten days notice thereof, by posting up notices in at least three public places in the said city of Milwaukee, where said corporation is hereby located.

Board of trustees. Sec. 5. At the first legally notified meeting, the stockholders shall have power to elect by ballot seven trustees, who shall be elected for one year, by the stockholders, annually: *Provided*, always, That all trustees shall hold their offices, until others are elected in their place.

Sec. 6. At all elections and meetings of the corporation, each stockholder shall be entitled to only one vote.

Sec. 7. The trustees shall have power: Google

First: To elect from their number a president, secretary, and treasurer, also, to elect all other subordinate officers of the corporation. Powers of the board.

Second: To call special meetings of the stockholders, to fill vacancies in the board of trustees.

Third: To sell, lease, mortgage, or otherwise dispose of any real or personal property of said corporation in such manner as shall be directed by the stockholders; also to erect and keep in repair all necessary buildings, for the use of said corporation.

Fourth: To employ suitable teachers, and prescribe and direct the course of study and discipline to be observed in the Academy of said corporation.

Fifth: To prescribe the duties and fix the salaries of all the teachers of said corporation, and to remove and suspend them from office, for incapacity, immoral conduct, or misbehavior in office, and to appoint others in their place.

Sixth: To make, subject to the approval of the stockholders, all such regulations as may be necessary and proper, to carry into effect, the powers herein granted, and not inconsistent with the constitution and laws of this State.

Sec. 8. No religious test or qualification shall be required of any trustee of said corporation, nor of any student or teacher of said institution.

Sec. 9. This act may be amended or altered by any future legislature.

Approved July 13, 1853.

An Act to change the name of the person therein mentioned.

Chap. 402.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Wallace Wilson Graham of Milwaukee, is hereby changed to that of Wilson Graham.

Sec. 2. This act shall take effect from and after its passage.

Approved, July 13, 1853.

Chap. 403.

An Act to authorize certain towns to aid in the construction of the Milwaukee and Watertown Railroad.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

Issuing bonds. SECTION 1. The several Boards of Supervisors of the towns of Elba, in the county of Dodge, and York, in the county of Dane, are hereby authorized to subscribe for their respective towns, any sum of money not exceeding in each case the amount hereinafter named, to the capital stock of the Milwaukee and Watertown railroad Company, and pay the same in the bonds of said towns, payable within twenty years, with interest payable annually in the city of New York, not exceeding seven per cent per annum, to wit: the town of Elba, fifteen thousand dollars, the town of York, fifteen thousand dollars.

Security given by R. R. Co. Sec. 2. The shares of stock in said Railroad company thus taken by said towns, and all dividends arising from the same, are hereby irrevocably pledged for the payment of the interest and principal of said bonds: *Provided*, however, that the boards of supervisors of said towns may sell such shares, but the proceeds thereof, and interest shall still be pledged to pay the interest and principal of said bonds.

Proviso.

Tax to pay interest. Sec. 3. The boards of supervisors of said towns, whenever the same shall become necessary, shall annually pay a tax upon the taxable property of said towns, sufficient to pay the interest upon such bonds, after deducting the dividends due said towns or said shares of stock.

Railroad commissioner. Sec. 4. The boards of supervisors of said towns, may annually appoint one railroad commissioner, who shall attend the annual or special meetings of the stockholders of said railroad company, for the election of directors thereof, and shall be entitled to cast one vote for every share of stock which said towns shall hold in said railroad company, and in case of the absence of such commissioner, or inability to attend, to appoint in writing, under their hands, some other person who shall have the same powers.

Condition of issuing bonds. Sec. 5. No bonds shall be issued in pursuance of the provisions of this act, until a majority of the legal voters of said towns, voting upon said question, shall vote in favor of the same, at an election called by the said board of supervisors for that purpose, to be held at the usual place of holding elections in said towns. At such election those voting in favor, shall vote a ballot with the words inscribed thereon, "For the Railroad," and those voting

against, shall vote a ballot with the words inscribed thereon, "Against the Railroad." One weeks previous notice of said election shall be given, either in a newspaper printed in said towns, or by notice posted in three public places in each of said towns. Said election shall be conducted, and the returns thereof, made and canvassed in the same manner as at the annual meetings of the said towns. Style of ballot.

Sec. 6. Before any bonds, or the avails thereof shall be delivered to said railroad company, said company shall give security to said towns to the satisfaction of the several boards of supervisors thereof, that the moneys arising from the sale of said bonds, shall be faithfully applied to the building of that portion of the said railroad lying north and west of Watertown, and that said road shall be constructed through the village of Columbus in the county of Columbia. Security to towns.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved, July 13, 1853.

An Act to authorize the laying out of a certain State Road therein named:

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows: Chap. 404.

SECTION 1. That H. S. Thomas, Robt. Thompson and Chas. McIntyre, be, and they are hereby appointed commissioners to lay out a State Road from Portage city, to the Marsh House, and shall receive a reasonable compensation from the counties through which the same passes: *Provided*, that no part of the expenses of laying said road shall be paid out of the State Treasury.

Sec. 2. This act shall take effect immediately.

Approved July 13, 1853.

An Act to provide for publication and distribution [of] eight hundred copies of the Trial of Impeachment of Levi Hubbell, Judge &c. and to pay for the same.

Chap. 405.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Secretary of State is hereby authorized to receive from the State Printer, for the use of the Assembly, eight hundred copies of the report of the proceedings on the trial of the impeachment of Levi Hub-

bell, Judge of the Second Judicial Circuit of the State of Wisconsin, and to forward the same by mail, in equal proportions to the several members of the Assembly, after deducting one copy to each officers of the Assembly: *Provided*, That the cost thereof shall not exceed the sum of ten cents for each hundred pages, and each fraction of a hundred pages contained therein.

Sec. 2. The Secretary of State shall audit the amount therefor, and certify the amount to the Treasurer, who shall pay the same out of any moneys in the treasury, not otherwise appropriated; and a sufficient amount is hereby appropriated for that purpose.

Approved, July 13, 1853.

Chap. 406.

An Act relating to the city of Watertown.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Highway tax.

SECTION 1. In addition to the taxes now authorized by law to be levied in said city, the mayor and city council are annually authorized to levy and collect in such manner as they may provide, a highway tax of such percentage, not exceeding one and one half per cent. in any one year, upon the real and personal property in said city, liable to taxation, as in their judgment will be sufficient to keep the highways of said city in repair.

Sec. 2. The mayor and city council of said city are hereby authorized to execute and deliver to the Milwaukee and Watertown Railroad, company the whole or any portion of the city bonds which the said city voted, to aid in the construction of said Railroad, upon such terms as may be agreed on by the parties.

Amendment.

Sec. 3. The act entitled an act to authorize the city of Watertown to loan its credit to certain Railroads, approved, April 2d, 1853, is hereby so amended as to authorize the said city to loan its credit to any Plank Road company on the same conditions, and subject to the same restrictions as by the said act is imposed on loans to Railroads: *Provided*, That the said city shall not loan its credit for a greater sum than ten thousand dollars to any one Plank road company, and the said act is hereby construed to include Plank roads, the same as if they were expressed therein.

Approved, July 13, 1853.

An Act to amend an act, entitled "an act to incorporate the Milwaukee and Watertown Railroad company" and the several acts amendatory thereto. Chap. 407.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Milwaukee and Watertown Railroad company are hereby authorized and empowered to lay out, extend and construct a branch railroad, to the railroad authorized to be constructed by the acts to which this act is amendatory; said branch railroad to commence at the village of Columbus, in the county of Columbia, and terminate at the village of Stevens' Point, in the county of Portage, and whenever said company shall decide to construct said branch railroad as aforesaid, they may increase the capital stock to two millions of dollars, which shall be subscribed in shares of like amount as the original stock of said company, and for that purpose may reopen the books of subscription, or open new books for the subscription of such additional stock, and may appoint such agents to attend to the same, as may be deemed necessary for carrying out fully, the provisions of this act. Empowered to construct a branch.

Sec. 2. The said company shall have the same powers in locating, constructing and continuing such extension or branch railroad as they have upon the portion of the road from Milwaukee to Watertown, and all powers, regulations and restrictions, and all authority granted to, and liabilities of said company, shall not in any manner be abridged, extended or altered by the increase of capital stock, or extension of the branch railroad aforesaid, except as to such alterations and increase, as is authorized by the provisions of this, and the last preceeding section. Further powers.

Sec. 3. This act shall take effect and be in force from and after its publication.

Approved July 13, 1853.

An Act authorizing the building and maintaining of a certain mill dam.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows : Chap. 408.

SECTION 1. That Evan Edwards, and his associates. Location.

Creek, on any land owned by him or them on the north-west quarter of the north-west quarter, of section number six, in township number twelve, north of range number twelve, east.

Overflowed
lands.

Sec. 2. The said Evan Edwards, and his associates, and their heirs and assigns, or any one of them, may apply to any justice of the peace in the county where such described lands lie, whose duty it shall be to appoint three commissioners, first giving due notice to the opposite party or parties who shall make examination of all lands overflowed, by reason of the keeping and maintaining said mill dam and shall make out an award, in which they shall award to the owner or owners of such overflowed lands, as aforesaid, the amount of damages which they shall deem such owner or owners entitled to, by reason of the keeping and maintaining of said mill dam as aforesaid; said commissioners being first duly sworn, according to law.

Appeals.

Sec. 3. Any person conceiving himself aggrieved, may appeal within ten days from the time of making the said award, to the circuit court in the county where said lands lie, in the same manner as is provided by law, for appeals from the decisions of commissioners of the estate of deceased persons.

Final decision.

Sec. 4. The decision and award of the said commissioners shall be final, unless appealed from, as provided in this act, and the said award shall be filed by the said commissioners in the office of the clerk of the circuit court, where said land is situated, and shall be and remain a lien upon the goods and chattels real, of the said Evan Edwards, and his associates, until the term of the said circuit court thereafter, when upon motion made by any party interested, (after due notice thereof, to the opposite party,) judgment may be entered up, and execution issue, in the same manner as judgments are entered and executions issued upon suits of a civil nature in said court.

Prohibition.

Sec. 6. No suit or proceeding at law or in equity, shall be entered against the said Evan Edwards or his associates, for any damages arising from the overflowing of any lands, by reason of the keeping and maintaining of said mill dam, after he, or any of his associates shall have applied to have the commissioners appointed, according to the provisions of this act.

Sec. 5. This act shall take effect from and after its passage.

Approved, July 13, 1853.

An Act to incorporate the Madison Institute.

Chap. 409. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :*

Incorporated. SEC. 1. Lyman C. Draper, Leonard J. Farwell, David J. Powers, Geo. P. Delapline, John W. Hunt, Julius P. Atwood, Beriah Brown, David Atwood, Elisha Burdick, Nathaniel W. Dean, and Elisha W. Keyes, with such other persons as may become associated with them, for the purposes mentioned in this act, and their successors, are hereby created a body corporate and politic, by the name of the "Madison Institute," and by that name to remain in perpetual succession, for the purpose of establishing and sustaining at Madison, a reading room and library, and providing for, and instituting literary and scientific lectures, and other means of moral and intellectual improvement, with power for such purpose, to take by purchase, devise or otherwise, and to hold transfer and convey, real and personal property, to the value of seventy-five thousand dollars, and also, further to take, hold and convey, such bonds, cabinet, library furniture and apparatus, as may be necessary for attaining the objects and designs, and carrying into effect all the purposes of said corporation.

Constitution and by-laws. SEC. 2. Said corporation shall have power to adopt such constitution and by-laws as they may deem proper, and make such rules and regulations from time to time, as may be necessary to carry into effect the provisions of the first section of this act, and the estate property and funds of said corporation shall be held and devoted solely to the purposes and objects mentioned in said section.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, July 13, 1853.

LEONARD J. FARWELL.

H. L. PALMER,
Speaker of the Asssembly.

DUNCAN C. REED,
Prisident Pro Tem of the Senate.

STATE OF WISCONSIN,
SECRETARY'S OFFICE,

} ss.

I, CHARLES D. ROBINSON, Secretary
of State of said State, hereby certify, that the Laws published in this
book, have been compared with the original enrolled acts deposited
in this office, and that they appear to be correctly printed.

In Testimony Whereof, I have hereunto set my hand, and
L. S. affixed the great seal of the State, at the Capitol in Madi-
son, this 4th day of October, A. D. 1853.

CHARLES D. ROBINSON,
Secretary of State.

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